

SB 1595-2
(LC 54)
2/9/24 (MNJ/ps)

Requested by Senator GORSEK

**PROPOSED AMENDMENTS TO
SENATE BILL 1595**

1 On page 1 of the printed bill, line 5, delete “prescribing an effective
2 date” and insert “declaring an emergency”.

3 Delete lines 7 through 26 and delete pages 2 through 59 and insert:

4 **“SECTION 1.** ORS 18.345 is amended to read:

5 “18.345. (1) All property **of a judgment debtor**, including franchises, or
6 rights or interest [*therein, of the judgment debtor, shall be*] **in the judgment**
7 **debtor’s property, is** liable to an execution, except as provided in this sec-
8 tion and in other statutes granting exemptions from execution. The following
9 property **of the judgment debtor**, or rights or interest [*therein of the judg-*
10 *ment debtor*] **in the property**, except as provided in ORS 18.305, [*shall be*]
11 **is** exempt from execution:

12 “(a) Books, pictures and musical instruments to the value of \$600.

13 “(b) Wearing apparel, jewelry and other personal items to the value of
14 \$1,800.

15 “(c) The tools, implements, apparatus, team, harness or library, necessary
16 to enable the judgment debtor to carry on the trade, occupation or profession
17 by which the judgment debtor habitually earns a living, to the value of
18 \$5,000.

19 “[*d*] A vehicle to the value of \$3,000. As used in this paragraph ‘vehicle’
20 includes an automobile, truck, trailer, truck and trailer or other motor
21 vehicle.]

1 “(d)(A) A vehicle, including an automobile, truck, trailer, truck and
2 trailer or other motor vehicle, to the value of \$10,000; or

3 “(B) If the judgment debtor owes a debt that arises out of a child
4 support or spousal support obligation or a money award judgment that
5 includes restitution, a vehicle, including an automobile, truck, trailer,
6 truck and trailer or other motor vehicle, to the value of \$3,000.

7 “(e) Domestic animals and poultry kept for family use, to the total value
8 of \$1,000 and food sufficient to support such animals and poultry for 60 days.

9 “(f) Household goods, furniture, radios, a television set and utensils all
10 to the total value of \$3,000, if the judgment debtor holds the property pri-
11 marily for the personal, family or household use of the judgment debtor;
12 provisions actually provided for family use and necessary for the support of
13 a householder and family for 60 days and also 60 days’ supply of fuel.

14 “(g) All property of the state or any county or incorporated city therein,
15 or of any other public or municipal corporation of like character.

16 “(h) All professionally prescribed health aids for the **judgment** debtor or
17 a dependent of the **judgment** debtor.

18 “(i) Spousal support, child support, or separate maintenance to the extent
19 reasonably necessary for the support of the **judgment** debtor and any de-
20 pendent of the **judgment** debtor.

21 “(j) The **judgment** debtor’s right to receive, or property that is traceable
22 to, an award under any crime victim reparation law.

23 “(k) The **judgment** debtor’s right to receive, or property that is traceable
24 to, a payment or payments, not to exceed a total of \$10,000, on account of
25 personal bodily injury of the **judgment** debtor or an individual of whom the
26 **judgment** debtor is a dependent.

27 “(L) The **judgment** debtor’s right to receive, or property that is traceable
28 to, a payment in compensation of loss of future earnings of the **judgment**
29 debtor or an individual of whom the **judgment** debtor is or was a dependent,
30 to the extent reasonably necessary for the support of the **judgment** debtor

1 and any dependent of the **judgment** debtor.

2 “(m) Veterans’ benefits and loans.

3 “(n) The **judgment** debtor’s right to receive an earned income tax credit
4 under the federal tax laws and any moneys that are traceable to a payment
5 of an earned income tax credit under the federal tax laws.

6 “(o) The **judgment** debtor’s right to the assets held in, or right to receive
7 payments under, a medical savings account or health savings account au-
8 thorized under section 220 or 223 of the Internal Revenue Code.

9 “(p) The **judgment** debtor’s interest, not to exceed \$400 in value, in any
10 personal property. However, this exemption may not be used to increase the
11 amount of any other exemption.

12 “(q) The **judgment** debtor’s right to receive a tax credit under ORS
13 315.273, and any moneys that are traceable to a payment of a tax credit under
14 ORS 315.273.

15 “(2) If the property claimed by the judgment debtor as exempt is adjudi-
16 cated by the court out of which the execution issued to be of a value in ex-
17 cess of that allowed by the appropriate paragraph of subsection (1) of this
18 section, the officer seizing the property shall proceed to sell such property.
19 Out of the proceeds of such sale, the officer shall deduct costs of sale and
20 shall pay to the judgment debtor an amount equivalent to the value declared
21 to be exempt by any of the paragraphs of subsection (1) of this section and
22 shall apply the balance of the proceeds of sale on the execution. A sale may
23 not be made under such execution unless the highest bid made exceeds the
24 appropriate exemption claimed and allowed plus costs of sale. If no bid is
25 received in excess of the value allowed by the appropriate paragraph of
26 subsection (1) of this section, the costs of sale shall be borne by the judgment
27 creditor.

28 “(3) If two or more members of a household are joint judgment debtors,
29 each judgment debtor shall be entitled to claim the exemptions in subsection
30 (1)(a), (b), (c), (d) and (p) of this section in the same or different properties.

1 The exemptions provided by subsection (1)(a), (b), (c), (d), (j), (k) and (p) of
2 this section, when claimed for jointly owned property, may be combined at
3 the option of the **judgment** debtors.

4 “(4) Notwithstanding any other provision of law except ORS 657.855, if a
5 writ of garnishment or other execution is issued to collect past due support
6 as defined in ORS 18.600, 50 percent of unemployment compensation benefits,
7 workers’ compensation benefits and other benefits paid to the **judgment**
8 debtor by the United States, by the state or by a political subdivision of the
9 state are exempt. The exemption related to unemployment compensation
10 benefits provided by this subsection is subject to ORS 657.855. The ex-
11 emption provided by this subsection applies without regard to whether the
12 payment is made on a periodic basis or in a lump sum, including any lump
13 sum payable pursuant to a settlement or judgment. Notwithstanding sub-
14 section (1)(k) of this section, if a payment is made under a settlement or
15 judgment on account of personal bodily injury and the garnishment or other
16 execution is issued to collect past due support as defined in ORS 18.600, the
17 lesser of 50 percent of the payment or \$7,500 is exempt.

18 **“SECTION 2.** ORS 18.348 is amended to read:

19 “18.348. (1) Funds that are exempt from execution under ORS 18.358,
20 18.385, 178.345, 238.445, 344.580, 407.595, 411.760, 414.095, 655.530, 656.234,
21 657.855 and 748.207 remain exempt when deposited in an account in a finan-
22 cial institution as long as the exempt funds are reasonably identifiable.

23 “(2) Subsection (1) of this section does not apply to any accumulation of
24 funds greater than \$7,500.

25 “(3) All funds that are exempt under federal law remain exempt when
26 deposited in an account in a financial institution as long as the exempt funds
27 are reasonably identifiable.

28 “(4) The application of subsections (1) and (3) of this section is not af-
29 fected by the commingling of exempt and nonexempt funds in an account.
30 For the purpose of identifying exempt funds in an account, first in, first out

1 accounting principles shall be used.

2 “(5) The provisions of this section do not affect the duties of a garnishee
3 with respect to amounts in accounts that are not subject to garnishment
4 under ORS [18.784] **18.785**.

5 **“SECTION 3.** ORS 18.385 is amended to read:

6 “18.385. (1) Except as provided in this section, 75 percent of the disposable
7 earnings of an individual are exempt from execution.

8 “(2) **Except as provided in subsection (6) of this section,** the dispos-
9 able earnings of an individual are exempt from execution to the extent that
10 payment under a garnishment would result in net disposable earnings for an
11 individual of less than the following amounts:

12 “[*(a) \$254 for any period of one week or less;*]

13 “[*(b) \$509 for any two-week period;*]

14 “[*(c) \$545 for any half-month period;*]

15 “[*(d) \$1,090 for any one-month period; and*]

16 “[*(e) For any other period longer than one week, \$254 multiplied by that*
17 *fraction produced by dividing the number of days for which the earnings are*
18 *paid by seven. The amount calculated under this paragraph must be rounded*
19 *to the nearest dollar.*]

20 **“(a) For any period of one week or less:**

21 **“(A) For wages payable before January 1, 2025, \$254.**

22 **“(B) For wages payable on or after January 1, 2025, and before July**
23 **1, 2025, \$305.**

24 **“(C) For wages payable on or after July 1, 2025, and before July 1,**
25 **2026, \$338.**

26 **“(D) For wages payable on or after July 1, 2026, and before July 1,**
27 **2027, \$400.**

28 **“(E) For wages payable on or after July 1, 2027, the minimum wage**
29 **specified in ORS 653.025 (1), multiplied by 30.**

30 **“(b) For any two-week period:**

- 1 **“(A) For wages payable before January 1, 2025, \$509.**
- 2 **“(B) For wages payable on or after January 1, 2025, and before July**
3 **1, 2025, \$611.**
- 4 **“(C) For wages payable on or after July 1, 2025, and before July 1,**
5 **2026, \$675.**
- 6 **“(D) For wages payable on or after July 1, 2026, and before July 1,**
7 **2027, \$832.**
- 8 **“(E) For wages payable on or after July 1, 2027, the minimum wage**
9 **specified in ORS 653.025 (1), multiplied by 60.**
- 10 **“(c) For any half-month period:**
- 11 **“(A) For wages payable before January 1, 2025, \$545.**
- 12 **“(B) For wages payable on or after January 1, 2025, and before July**
13 **1, 2025, \$655.**
- 14 **“(C) For wages payable on or after July 1, 2025, and before July 1,**
15 **2026, \$737.**
- 16 **“(D) For wages payable on or after July 1, 2026, and before July 1,**
17 **2027, \$912.**
- 18 **“(E) For wages payable on or after July 1, 2027, the minimum wage**
19 **specified in ORS 653.025 (1), multiplied by 65.**
- 20 **“(d) For any one-month period:**
- 21 **“(A) For wages payable before January 1, 2025, \$1,090.**
- 22 **“(B) For wages payable on or after January 1, 2025, and before July**
23 **1, 2025, \$1,309.**
- 24 **“(C) For wages payable on or after July 1, 2025, and before July 1,**
25 **2026, \$1,458.**
- 26 **“(D) For wages payable on or after July 1, 2026, and before July 1,**
27 **2027, \$1,792.**
- 28 **“(E) For wages payable on or after July 1, 2027, the minimum wage**
29 **specified in ORS 653.025 (1), multiplied by 130.**
- 30 **“(e) For any other period longer than one week:**

1 “(A) The following amount multiplied by that fraction produced by
2 dividing the number of days for which the earnings are paid by seven,
3 rounded to the nearest dollar:

4 “(i) For wages payable before January 1, 2025, \$254.

5 “(ii) For wages payable on or after January 1, 2025, and before July
6 1, 2025, \$305.

7 “(iii) For wages payable on or after July 1, 2025, and before July 1,
8 2026, \$338.

9 “(iv) For wages payable on or after July 1, 2026, and before July 1,
10 2027, \$400.

11 “(B) For wages payable on or after July 1, 2027, the minimum wage
12 specified in ORS 653.025 (1), multiplied by 30 and multiplied again by
13 that fraction produced by dividing the number of days for which the
14 earnings are paid by seven. The amount calculated under this sub-
15 paragraph must be rounded to the nearest dollar.

16 “(3) Beginning in 2027, the State Court Administrator shall calcu-
17 late the exemption amounts specified in subsection (2) of this section
18 each year on or before July 1 and shall publish the results of the cal-
19 culations on the Judicial Department website. In making the calcu-
20 lations, the State Court Administrator shall round to the nearest
21 dollar. The adjusted exemption amounts become effective on July 1 of
22 the year in which the State Court Administrator makes the calcu-
23 lation.

24 “[(3)] (4) If an individual is paid for a period shorter than one week[.]:

25 “(a) The exemption calculated under subsection (2) of this section may
26 not exceed [\$254] the following amount for any one-week period[.]:

27 “(A) For wages payable before January 1, 2025, \$254.

28 “(B) For wages payable on or after January 1, 2025, and before July
29 1, 2025, \$305.

30 “(C) For wages payable on or after July 1, 2025, and before July 1,

1 2026, \$338.

2 “(D) For wages payable on or after July 1, 2026, and before July 1,
3 2027, \$400.

4 “(E) For wages payable on or after July 1, 2027, the minimum wage
5 specified in ORS 653.025 (1), multiplied by 30.

6 “(b) The exemption calculated under subsection (6) of this section
7 may not exceed \$254.

8 “[4] (5) An employer shall deduct from the amount of disposable
9 earnings determined to be nonexempt under subsections (1) [to (3)], (2) and
10 (4) of this section any amounts withheld from the individual’s earnings for
11 the same period of time under an order issued pursuant to ORS 25.378 or
12 419B.408 or ORS chapter 110. The employer shall make payment under a
13 garnishment only of those amounts remaining after the deduction is made.

14 “(6) If a writ of garnishment includes or is attached to a notice from
15 a state or federal child support agency, or includes or is attached to
16 an attestation that a debt arises out of a child support or spousal
17 support obligation or a money award judgment that includes
18 restitution, the individual’s disposable earnings are exempt only to the
19 extent that payment under a garnishment would result in net dispos-
20 able earnings for an individual of less than the following amounts:

21 “(a) \$254 for any period of one week or less;

22 “(b) \$509 for any two-week period;

23 “(c) \$545 for any half-month period;

24 “(d) \$1,090 for any one-month period; and

25 “(e) For any other period longer than one week, \$254 multiplied by
26 that fraction produced by dividing the number of days for which the
27 earnings are paid by seven. The amount calculated under this para-
28 graph must be rounded to the nearest dollar.

29 “[5] (7) Subsections (1) to [(4)] (6) of this section do not apply to:

30 “(a) Any order of a court of bankruptcy.

1 “(b) Any debt due for federal tax.

2 “[6] (8) Subsections (2) to [(4)] (6) of this section do not apply to any
3 debt due for state tax. Subsection (1) of this section does not apply to a debt
4 due for state tax if a state agency issues a special notice of garnishment
5 under ORS 18.855 (6).

6 “[7] (9) A court may not make, execute or enforce any order or process
7 in violation of this section.

8 “[8] (10) Any waiver by an individual of the provisions of this section
9 is void.

10 “[9] (11) An employer may not discharge any individual because the in-
11 dividual has had earnings garnished.

12 **“SECTION 4.** ORS 18.395 is amended to read:

13 **“18.395. (1)(a) Except as provided in paragraph (b) of this subsection,**
14 **a homestead [shall be] is exempt from sale on execution, from the lien of**
15 **every judgment and from liability in any form for the debts of the owner to**
16 **the amount in value of [\$40,000] \$150,000, except as otherwise provided by**
17 **law. The exemption [shall be] is effective without the necessity of a claim**
18 **thereof by the judgment debtor. When two or more members of a household**
19 **are judgment debtors whose interests in the homestead are subject to sale**
20 **on execution, the lien of a judgment or liability in any form, their combined**
21 **exemptions under this section shall not exceed [\$50,000] \$300,000.**

22 **“(b) A homestead is exempt from sale on execution, from the lien**
23 **of every judgment and from liability in any form for the debts of the**
24 **owner arising out of a child support or spousal support obligation or**
25 **a money award judgment that includes restitution to the amount in**
26 **value of \$40,000, except as otherwise provided by law. The exemption**
27 **is effective without the necessity of a claim thereof by the judgment**
28 **debtor. When two or more members of a household are judgment**
29 **debtors whose interests in the homestead are subject to sale on exe-**
30 **cution, the lien of a judgment or liability in any form, their combined**

1 **exemptions under this section shall not exceed \$50,000.**

2 **“(c) To qualify for the exemption under paragraph (a) or (b) of this**
3 **subsection,** the homestead must be the actual abode of and occupied by the
4 owner, or the owner’s spouse, parent or child, but the exemption shall not
5 be impaired by:

6 **“[(a)] (A) Temporary removal or temporary absence with the intention to**
7 **reoccupy the same as a homestead;**

8 **“[(b)] (B) Removal or absence from the property; or**

9 **“[(c)] (C) The sale of the property.**

10 **“(d)(A) The State Court Administrator shall index the amounts**
11 **identified as exempt from execution under paragraph (a) of this sub-**
12 **section each year on or before July 1 to reflect increases or decreases**
13 **in the cost of living for the previous calendar year, based on changes**
14 **in the Consumer Price Index for All Urban Consumers, West Region**
15 **(All Items), as published by the Bureau of Labor Statistics of the**
16 **United States Department of Labor or a successor agency. The State**
17 **Court Administrator shall publish the adjusted exemption limitations**
18 **on the Judicial Department website. In adjusting the amounts, the**
19 **State Court Administrator shall round to the nearest \$100, but shall**
20 **use unrounded adjusted amounts to calculate the amounts of the ex-**
21 **emptions during the succeeding year. The new amounts become ef-**
22 **fective on July 1 of the year in which the State Court Administrator**
23 **makes the adjustment.**

24 **“(B) The indexing described in subparagraph (A) of this paragraph**
25 **does not apply to the amount of any exemption specified for a debt**
26 **that arises out of a child support or spousal support obligation or a**
27 **money award judgment that includes restitution.**

28 **“(2) The exemption [shall extend] extends to the proceeds derived from**
29 **[such sale to an amount not exceeding \$40,000 or \$50,000, whichever amount]**
30 **selling the homestead in the amount that is applicable under subsection**

1 (1)(a) or (b) of this section, if the proceeds are held for a period not ex-
2 ceeding one year and held with the intention to procure another homestead
3 therewith.

4 “(3) The exemption period under subsection [(1)(b) and (c)] **(1)(c)(B) and**
5 **(C)** of this section [shall be] **is** one year from the removal, absence or sale,
6 whichever occurs first.

7 “(4) When the owner of a homestead has been granted a discharge in
8 bankruptcy or has conveyed the homestead property, the value thereof, for
9 the purpose of determining a leviable interest in excess of the homestead
10 exemption, [shall be] **is** the value on the date of the petition in bankruptcy,
11 whether the value is determined in the bankruptcy proceedings or not, or on
12 the date the conveyance becomes effective, whichever [shall first occur] **oc-**
13 **curs first**. However, with respect to judgments not discharged in the bank-
14 ruptcy, or entered against the owner after discharge, the value on the
15 effective date of conveyance [shall be] **is** controlling.

16 “(5) Except as provided in subsection (7) of this section, [no] **a** homestead
17 that is the actual abode of and occupied by the judgment debtor, or that is
18 the actual abode of and occupied by a spouse, dependent parent or dependent
19 child of the judgment debtor, [shall] **may not** be sold on execution to satisfy
20 a judgment that at the time of entry does not exceed \$3,000. However, such
21 judgment [shall remain] **remains** a lien upon the real property, and the
22 property may be sold on execution:

23 “(a) At any time after the sale of the property by the judgment debtor;
24 and

25 “(b) At any time after the property is no longer the actual abode of and
26 occupied by the judgment debtor or the spouse, dependent parent or depend-
27 ent child of the judgment debtor.

28 “(6) The limitation on execution sales imposed by subsection (5) of this
29 section is not impaired by temporary removal or temporary absence with the
30 intention to reoccupy the property as a homestead.

1 “(7) The limitation on execution sales imposed by subsection (5) of this
2 section does not apply if two or more judgments are owing to a single judg-
3 ment creditor and the total amount owing to the judgment creditor, deter-
4 mined by adding the amount of each individual judgment as of the date the
5 judgment was entered, is greater than \$3,000.

6 “(8) Upon the issuance of an order authorizing sale as required by ORS
7 18.904, and in conformance with subsection (5) of this section, the sheriff
8 may proceed to sell the property. If the homestead exemption applies, the
9 sheriff shall pay the homestead owner out of the proceeds the [*sum of \$40,000*
10 *or \$50,000, whichever is applicable,*] **applicable amount under subsection**
11 **(1)(a) or (b) of this section** and apply the balance of the proceeds on the
12 execution. However, [*no sale shall be made where the homestead*] **the sheriff**
13 **may not sell the homestead if an** exemption applies unless the sum bid for
14 the homestead [*is in excess of the sum of the costs of sale and \$40,000 or*
15 *\$50,000, whichever is applicable*] **exceeds the sum of the costs of the sale**
16 **and the amount of the applicable exemption.** If no such bid is received,
17 the **petitioner shall bear the** expense of the sale [*shall be borne by the*
18 *petitioner*].

19 “(9) The homestead exemption provided by this section applies to a
20 purchaser’s interest under a land sale contract, as defined by ORS 18.960.

21 “(10) The homestead exemption provided by this section applies to:

22 “(a) A floating home, as defined by ORS 830.700; and

23 “(b) A manufactured dwelling, as defined by ORS 446.003.

24 “**SECTION 5.** ORS 18.402 is amended to read:

25 “18.402. [*The homestead mentioned in ORS 18.395 shall consist*] **A home-**
26 **stead described in ORS 18.395 consists**, when not located in any town or
27 city laid off into blocks and lots, of any quantity of land not exceeding 160
28 acres, and when located in any such town or city, of any quantity of land
29 not exceeding one block. However, a homestead under this section [*shall not*
30 *exceed in value the sum of \$40,000 or \$50,000, whichever amount is applicable*

1 *under*] **may not exceed in value the applicable amount specified in ORS**
2 **18.395 (1)(a) or (b).**

3 **“SECTION 6.** ORS 18.412 is amended to read:

4 “18.412. (1) At any time after the date of execution of an agreement to
5 transfer the ownership of property in which a homestead exemption exists
6 pursuant to ORS 18.395, the homestead owner or the owner’s transferee may
7 give notice of intent to discharge the property from the judgment lien to a
8 judgment creditor. Each notice [*shall*] **must** bear the caption of the action
9 in which the judgment was recovered and [*shall*] **must**:

10 “(a) Identify the property and the judgment and state that the judgment
11 debtor is about to transfer, or has transferred, the property and that the
12 transfer is intended to discharge the property from any lien effect of the
13 judgment;

14 “(b) State the fair market value of the property on the date of the notice
15 or of any applicable petition in bankruptcy, whichever is applicable, and list
16 the encumbrances against the property, including the nature and date of each
17 encumbrance, the name of the encumbrancer and the amount presently se-
18 cured by each encumbrance;

19 “(c) State that the property is claimed by the person giving the notice to
20 be wholly exempt from the lien of the judgment or, if the value of the prop-
21 erty exceeds the sum of the encumbrances specified as required under para-
22 graph (b) of this subsection that are senior to the judgment lien and [*\$40,000*
23 *or \$50,000, whichever amount of the homestead exemption is applicable under*]
24 **the applicable amount of the homestead exemption specified in ORS**
25 **18.395 (1)(a) or (b)**, that the amount of the excess or the amount due on the
26 judgment, whichever is less, will be deposited with the court administrator
27 for the court in which the judgment was entered for the use of the judgment
28 holder; and

29 “(d) Advise the holder of the judgment that the property may be dis-
30 charged from any lien arising from the judgment, without further notice to

1 the judgment creditor, unless prior to a specified date, which in no case may
2 be earlier than 14 days after the date of mailing of the notice, the judgment
3 creditor files objections and a request for a hearing on the matter as pro-
4 vided in ORS 18.415.

5 “(2) Each notice described by subsection (1) of this section [*shall*] **must**
6 be sent by certified mail to the judgment creditor, as shown by the court
7 records, at the judgment creditor’s present or last-known address according
8 to the best knowledge of the person sending the notice. A copy of each no-
9 tice, together with proof of mailing, may be filed with the court administra-
10 tor for the court in which the judgment was entered and [*shall*] **must** be
11 filed by the court administrator with the records and files of the action in
12 which the judgment was recovered.

13 **“SECTION 7.** ORS 18.600 is amended to read:

14 “18.600. As used in ORS 18.600 to 18.850:

15 “(1) ‘Account’ means an account at a financial institution, including a
16 master account or subaccount, to which an electronic payment may be di-
17 rectly routed.

18 “(2) ‘Check’ has the meaning given that term in ORS 73.0104.

19 “(3) ‘Creditor’ means a person to whom a debt is owed by a debtor.

20 “(4) ‘Debt’ means any monetary obligation for which a garnishment may
21 be issued under ORS 18.605.

22 “(5) ‘Debtor’ means a person whose property is being garnished for the
23 purpose of paying a debt owed to a creditor.

24 “(6) ‘Federal benefit payment’ means:

25 “(a) A benefit payment from the United States Social Security Adminis-
26 tration that is protected under 42 U.S.C. 407 and 1383(d)(1);

27 “(b) A benefit payment from the United States Department of Veterans
28 Affairs that is protected under 38 U.S.C. 5301(a);

29 “(c) A benefit payment from the Railroad Retirement Board that is pro-
30 tected under 45 U.S.C. 231m(a) and 352(e); or

1 “(d) A benefit payment from the United States Office of Personnel Man-
2 agement that is protected under 5 U.S.C. 8346 and 8470.

3 “(7) ‘Financial institution’ means a financial institution or trust company
4 as those terms are defined in ORS 706.008.

5 “(8) ‘Garnishable property’ means all property described in ORS 18.615,
6 but does not include:

7 “(a) Any property that is not subject to garnishment under ORS 18.618;
8 and

9 “(b) Any property that is applied as a setoff under ORS 18.620 or 18.795.

10 “(9) ‘Garnishee’ means a person to whom a writ of garnishment has been
11 delivered.

12 “(10) ‘Garnishment account review’ means the process of examining de-
13 posits to an account to determine whether benefit payments described in ORS
14 [18.784 (3)] **18.785 (2)(c)(B)** have been deposited in the account during the
15 lookback period **described in ORS 18.785 (2)(d)**.

16 “(11) ‘Garnishor’ means:

17 “(a) The creditor, if the writ is issued by the court administrator on be-
18 half of the creditor under ORS 18.635 (2); or

19 “(b) The issuer, if the writ is issued under ORS 18.635 by any person other
20 than the court administrator.

21 “(12) ‘Past due support’ means the amount of child or spousal support, or
22 both, determined under a court or administrative order in a proceeding under
23 ORS 25.501 to 25.556 or ORS chapter 107, 108, 109, 110, 419B or 419C that has
24 not been paid or is certified to be owed by another state under ORS 25.083.

25 “(13) ‘Wages’ includes all amounts paid for the services of an employee
26 by an employer, including amounts paid as a commission or bonus.

27 “(14) ‘Writ’ means a writ of garnishment.

28 “**SECTION 8.** ORS 18.618 is amended to read:

29 “18.618. (1)(a) Notwithstanding ORS 18.615, the following are not
30 garnishable property:

1 “(A) Equitable interests, except to the extent allowed under ORS chapter
2 130.

3 “(B) Property in the custody of the law.

4 “(C) Property in the possession of a conservator.

5 “(D) Property in the possession of a personal representative that consti-
6 tutes the subject matter of a trust contained in a duly probated will of a
7 decedent.

8 “(E) If a residential landlord is the garnishee, property in the possession
9 of a residential landlord that is held as a security deposit or prepaid rent
10 under ORS 90.300.

11 “(F) The right of a seller under a land sale contract, as defined by ORS
12 18.960, to receive payments that are due more than 45 days after the writ of
13 garnishment is delivered.

14 “(G) Amounts in an account in a financial institution that are not subject
15 to garnishment under ORS [~~18.784~~] **18.785**.

16 “(H) An identification document, such as a driver license, passport, cer-
17 tified copy of a record of live birth or Social Security card.

18 “(b) If a garnishee holds any property described in paragraph (a) of this
19 subsection, the garnishee must note in the garnishee response required by
20 ORS 18.680 that the garnishee holds the property, but may not deliver the
21 property to the garnishor.

22 “(2)(a) Notwithstanding ORS 18.615, wages owing by a garnishee to a
23 debtor for a specific pay period are not garnishable property if:

24 “(A) The writ is delivered within two business days before the debtor’s
25 normal payday for the pay period;

26 “(B) When the writ is delivered to the garnishee, the debtor’s wages are
27 paid by direct deposit to a financial institution, or the garnishee uses the
28 Oregon Department of Administrative Services or an independent contractor
29 as defined in ORS 670.600 as payroll administrator for the garnishee’s pay-
30 roll; and

1 “(C) Before the writ is delivered to the garnishee, the garnishee issued
2 instructions to the financial institution or the payroll administrator to pay
3 the debtor for the pay period.

4 “(b) If a garnishee owes any wages as described in paragraph (a) of this
5 subsection, the garnishee must so note in the garnishee response required
6 by ORS 18.680.

7 “(3) Notwithstanding any other provision of law, if a voluntary or invol-
8 untary bankruptcy petition has been filed by or on behalf of the debtor after
9 a writ of garnishment could be issued under ORS 18.605, the garnishment of
10 any property of the debtor in the garnishee’s possession, control or custody
11 is stayed pursuant to section 362 of the United States Bankruptcy Code (11
12 U.S.C. 101 to 1330).

13 **“SECTION 9.** ORS 18.658 is amended to read:

14 “18.658. (1) Following delivery of a writ of garnishment to a garnishee,
15 the person who delivered the writ must mail or deliver promptly the follow-
16 ing documents to the debtor whose property is being garnished by the writ:

17 “(a) A copy of the writ of garnishment.

18 “(b) The original of the debt calculation form.

19 “(c) A notice of exemptions form in substantially the form provided by
20 ORS 18.845 **or section 19 of this 2024 Act, as appropriate.**

21 “(d) A challenge to garnishment form in substantially the form provided
22 by ORS 18.850, with the names and addresses of the garnishor and garnishee
23 entered by the garnishor.

24 “(2) A person serving a writ of garnishment may meet the requirements
25 of subsection (1) of this section by mailing the documents to the address of
26 the debtor that appears in the writ of garnishment. If an address for the
27 debtor does not appear in the writ, the person serving the writ need not
28 comply with subsection (1) of this section.

29 **“SECTION 10.** ORS 18.785 is amended to read:

30 “18.785. *[(1) Except as provided in this section, if a financial institution*

1 *determines from a garnishment account review conducted under ORS 18.784*
2 *(1) that one or more payments described in ORS 18.784 (3) have been deposited*
3 *into the debtor’s account by direct deposit or electronic payment during the*
4 *lookback period described in ORS 18.784 (2), and there is a positive balance*
5 *in the account at the time the garnishment account review is conducted, the*
6 *financial institution shall:]*

7 *“(a) Immediately calculate and establish the amount in the debtor’s ac-*
8 *count that is not subject to garnishment and ensure that the debtor has full*
9 *customary access to that amount; and]*

10 *“(b) Issue a notice to the account holder in substantially the form set forth*
11 *in ORS 18.847.]*

12 *“(2) A financial institution shall issue the notice required by this section*
13 *directly to the account holder or to a fiduciary who administers the account*
14 *and receives communications on behalf of the account holder.]*

15 *“(3) The notice required by this section must be sent separately to the*
16 *debtor and may not be included with other materials being provided to the*
17 *debtor by the financial institution that do not relate to the garnishment.]*

18 *“(4) The notice required by this section must be sent to the account holder*
19 *within three business days after the financial institution completes the*
20 *garnishment account review required by ORS 18.784 (1).]*

21 *“(5) A financial institution shall perform the calculation described in*
22 *subsection (1) of this section for each account of the account holder. However,*
23 *the financial institution may issue a single notice under this section for mul-*
24 *tiple accounts of the same account holder.]*

25 *“(6) Issuance of a notice under this section does not constitute the giving*
26 *of legal advice and a financial institution is not obligated to provide legal*
27 *advice by reason of issuing a notice required by this section.]*

28 **“(1) As used in this section:**

29 **“(a) ‘Base protected account balance’ means the amount not subject**
30 **to garnishment calculated under subsection (2)(j) of this section.**

1 **“(b) ‘Garnishment account review’ means the review conducted**
2 **under subsection (2)(c) of this section.**

3 **“(c) ‘Lookback period’ means the period described in subsection**
4 **(2)(d) of this section.**

5 **“(2)(a)(A) If a financial institution receives a writ of garnishment**
6 **for a debtor that has an account with the financial institution, the**
7 **financial institution shall first determine whether the writ of**
8 **garnishment includes a Notice of Right to Garnish Federal Benefits**
9 **from the United States Government or from a state child support**
10 **enforcement agency, as provided in 31 C.F.R. part 212, or is attached**
11 **to an attestation that a debt arises out of a child support or spousal**
12 **support obligation or a judgment that contains a money award of**
13 **restitution.**

14 **“(B) If the writ of garnishment includes a Notice of Right to**
15 **Garnish Federal Benefits, the provisions of paragraphs (b) to (j) of this**
16 **subsection do not apply to the writ of garnishment and the financial**
17 **institution shall proceed on the garnishment as provided in ORS 18.600**
18 **to 18.850.**

19 **“(C) If the writ of garnishment is attached to an attestation that a**
20 **debt arises out of a child support or spousal support obligation or a**
21 **judgment that contains a money award of restitution, paragraphs (b),**
22 **(c)(A), (e), (f) and (j) of this subsection do not apply to the writ of**
23 **garnishment and the financial institution shall conduct a garnishment**
24 **account review as provided in paragraphs (c)(B), (d) and (g) to (i) of**
25 **this subsection.**

26 **“(D) If the writ of garnishment does not include a Notice of Right**
27 **to Garnish Federal Benefits or is not attached to an attestation that**
28 **a debt arises out of a child support or spousal support obligation or a**
29 **judgment that contains a money award of restitution, the financial**
30 **institution shall immediately calculate and establish the total amount**

1 in all of the accounts the debtor has with the financial institution.

2 “(b) If the total of the amounts in all of a debtor’s accounts with
3 the financial institution does not exceed the base protected account
4 balance, the financial institution shall provide full customary access
5 to the amounts in the debtor’s accounts with the financial institution.

6 “(c) If a financial institution finds under paragraph (a)(C) of this
7 subsection that the total amount in all of a debtor’s accounts with the
8 financial institution exceeds the base protected account balance, the
9 financial institution shall:

10 “(A) Provide full customary access to the base protected account
11 balance; and

12 “(B) Conduct a garnishment account review to determine whether
13 one or more of the payments listed in this subparagraph were made
14 to any of the debtor’s accounts by direct deposit or electronic transfer
15 within the lookback period. The payments a financial institution must
16 look for during a garnishment account review are:

17 “(i) Federal benefit payments;

18 “(ii) Payments from a public or private retirement plan as defined
19 in ORS 18.358;

20 “(iii) Public assistance payments or medical assistance, as defined
21 in ORS 414.025, from the State of Oregon or an agency of the State of
22 Oregon;

23 “(iv) Unemployment compensation payments from the State of
24 Oregon or an agency of the State of Oregon;

25 “(v) Black lung benefits payments from the United States Depart-
26 ment of Labor; and

27 “(vi) Workers’ compensation payments from a workers’ compen-
28 sation carrier.

29 “(d) The lookback period during which a financial institution must
30 determine whether a payment listed in paragraph (c) of this subsection

1 was made to a debtor’s account with the financial institution:

2 “(A) Ends on the day before the day on which the financial insti-
3 tution conducts the garnishment account review; and

4 “(B) Begins:

5 “(i) On the day in the second calendar month preceding the month
6 in which the financial institution conducts the garnishment account
7 review that has the same number as the day on which the lookback
8 period ends; or

9 “(ii) On the last day of the second calendar month preceding the
10 month in which the financial institution conducts the garnishment
11 account review, if the day described in sub-subparagraph (i) of this
12 subparagraph does not exist.

13 “(e)(A) If a financial institution determines after conducting a
14 garnishment account review that a payment listed in paragraph (c)(B)
15 of this subsection was made by direct deposit or electronic transfer to
16 an account the debtor has with the financial institution within the
17 lookback period, the financial institution shall provide the debtor with
18 full customary access to the sum of the following amounts, which are
19 not subject to garnishment:

20 “(i) The base protected account balance; and

21 “(ii) The amount by which the sum of all payments listed in para-
22 graph (c) of this subsection that were made by direct deposit or elec-
23 tronic transfer to the debtor’s accounts with the financial institution
24 within the lookback period exceeds the base protected account bal-
25 ance.

26 “(B) The amounts in subparagraph (A) of this paragraph are cal-
27 culated as of the effective date and time of the garnishment, but be-
28 fore the financial institution conducts the garnishment account
29 review, and are not affected by withdrawals of funds by the debtor
30 after the effective date and time of the garnishment.

1 “(f) A financial institution that conducts a garnishment account
2 review under paragraph (c) of this subsection shall proceed to deliver
3 to the garnishor under ORS 18.600 to 18.850 any amount that exceeds
4 an amount not subject to garnishment described in paragraph (e) of
5 this subsection.

6 “(g) If the writ of garnishment is attached to an attestation that a
7 debt arises out of a child support or spousal support obligation or a
8 judgment that contains a money award of restitution, the financial
9 institution shall conduct a garnishment account review and provide
10 the debtor with full customary access to all payments listed in para-
11 graph (c)(B) of this subsection that were made by direct deposit or
12 electronic transfer to an account the debtor has with the financial
13 institution within the lookback period.

14 “(h) A financial institution shall perform a garnishment account
15 review only one time for a specific garnishment. If the same writ of
16 garnishment is served on a financial institution more than once, the
17 financial institution may not perform a garnishment account review
18 or take any other action relating to the garnishment based on the
19 second and any subsequent service of the writ of garnishment.

20 “(i) The provisions of this subsection do not affect a debtor’s ability
21 to claim any exemption that otherwise is available to the debtor under
22 law for any amounts in an account in a financial institution.

23 “(j) The initial base protected account balance is the combined total
24 of \$2,500 in all of a debtor’s accounts in the financial institution. The
25 State Court Administrator shall index the base protected account bal-
26 ance amount each year on or before July 1 to reflect increases or de-
27 creases in the cost of living for the previous calendar year, based on
28 changes in the Consumer Price Index for All Urban Consumers, West
29 Region (All Items), as published by the Bureau of Labor Statistics of
30 the United States Department of Labor or a successor agency. The

1 State Court Administrator shall publish the adjusted exemption on the
2 Judicial Department website. In adjusting the exempted amount, the
3 State Court Administrator shall round to the nearest \$100, but shall
4 use the unrounded adjusted amount to calculate the exempted amount
5 for the succeeding year. The new exempted amount becomes effective
6 on July 1 of the year in which the State Court Administrator makes
7 the adjustment and becomes the amount that the State Court Ad-
8 ministrator must adjust in the succeeding year.

9 “(3) A financial institution that conducts the garnishment account
10 review described in subsection (2)(c) of this section shall, within three
11 business days after conducting the garnishment account review, notify
12 the debtor, or a fiduciary that administers the debtor’s accounts and
13 receives communications on behalf of the debtor, of the financial
14 institution’s actions. The financial institution shall provide the notice
15 in substantially the form specified in ORS 18.847 and must send the
16 notice to the debtor or fiduciary separately, not as part of any com-
17 munications unrelated to the garnishment that the financial institu-
18 tion provides to the debtor or fiduciary.

19 “(4) A financial institution must perform the calculations described
20 in subsection (2)(c) of this section for each of the debtor’s accounts
21 with the financial institution, but may issue a single notice under
22 subsection (3) of this section for multiple accounts of the same ac-
23 count holder.

24 “(5) Issuing a notice under subsection (3) of this section does not
25 constitute giving legal advice. A financial institution is not obligated
26 to provide legal advice by reason of issuing a notice under subsection
27 (3) of this section.

28 “(6) The provisions of subsection (2)(c), (d), (e) and (f) of this sec-
29 tion apply only to payments that a financial institution can identify,
30 from information the payer transmits to the financial institution, as

1 **one of the types of payments listed in subsection (2)(c)(B) of this sec-**
2 **tion.**

3 **“SECTION 11.** ORS 18.787 is amended to read:

4 “18.787. A financial institution is not liable to any account holder,
5 garnishor or other financial institution, and may not be assessed any pen-
6 alty, by reason of any action taken by the financial institution in good faith
7 under ORS [*18.784 or*] 18.785, including:

8 “(1) Delivery or refusal to deliver any funds that are not subject to
9 garnishment under ORS [*18.784*] **18.785** to a garnishor;

10 “(2) Providing the notice required [*by this section*] **under ORS 18.785** to
11 an account holder;

12 “(3) Customary clearing and settlement adjustments made to a debtor’s
13 account that affect the balance in the debtor’s account; and

14 “(4) Any bona fide errors that occur under ORS [*18.784 or*] 18.785 despite
15 reasonable procedures implemented by the financial institution to prevent
16 those errors.

17 **“SECTION 12.** ORS 18.788 is amended to read:

18 “18.788. A financial institution shall maintain records of account activity
19 and actions taken by the financial institution in response to a garnishment
20 that are adequate to demonstrate compliance with the requirements of ORS
21 [*18.784 and*] 18.785 for a period of not less than two years after the financial
22 institution receives the writ of garnishment.

23 **“SECTION 13.** ORS 18.790 is amended to read:

24 “18.790. (1) Except as provided in subsection (4) of this section, at the
25 time of delivery of any writ of garnishment on a financial institution or at
26 the time a notice of garnishment is delivered to the financial institution
27 under ORS 18.854:

28 “(a) A search fee of \$10 must be paid to the financial institution if the
29 garnishor is the Department of Revenue.

30 “(b) A search fee of \$15 must be paid to the financial institution if the

1 garnishor is a person other than the department.

2 “(2) A separate search fee must be paid under this section to the financial
3 institution for each debtor if the writ is issued for more than one debtor
4 under ORS 18.607 (5).

5 “(3) If the search fee required under this section is not paid:

6 “(a) The garnishment is not effective to garnish any property of the
7 debtor; and

8 “(b) The financial institution need not file a garnishee response.

9 “(4) The search fee required under this section need not be paid to a fi-
10 nancial institution if the debtor is an employee of the financial institution.

11 “(5) Notwithstanding subsection (1) of this section, a financial institution
12 may enter into an agreement with any state agency authorized to garnish
13 pursuant to ORS 18.645 or 18.854 for periodic billing and payment of
14 garnishee search fees required under this section.

15 “(6) The right of a financial institution to receive the search fee required
16 under this section does not in any way restrict or impair the right of the
17 financial institution to charge and collect an additional garnishment pro-
18 cessing fee from any debtor whose property the financial institution holds,
19 or to whom the financial institution owes money. However, a financial in-
20 stitution may not charge or collect a garnishment processing fee in violation
21 of ORS 652.610. If a financial institution charges a garnishment processing
22 fee, the financial institution may collect the fee by deducting the amount of
23 the fee from any amount that the financial institution owes to the debtor.

24 “(7) If a garnishment account review reveals that a payment **listed in**
25 **ORS 18.785 (2)(c)(B)** was made by direct deposit or electronic payment to
26 the debtor’s account during the lookback period described in ORS [18.784
27 (2)] **18.785 (2)(d)**, the financial institution may not charge or collect a
28 garnishment processing fee under subsection (6) of this section against the
29 amount that is not subject to garnishment, and may not charge or collect a
30 garnishment processing fee under subsection (6) of this section against any

1 amounts in the account after the date of the garnishment account review.

2 **“SECTION 14.** ORS 18.835 is amended to read:

3 “18.835. A garnishee response must be in substantially the following form:

4 “ _____

5 _____ COURT

6 COUNTY OF _____

7

8 _____)

9 Plaintiff,) GARNISHEE

10) RESPONSE

11 vs.) Case No. _____

12)

13 _____)

14 Defendant.)

15

16 The writ of garnishment was delivered to me on the ____ day of _____,
17 2____. The following responses are accurate and complete as of that date.

18 “ _____

19 PART I: DEBTOR’S PROPERTY

20 GENERALLY

21 (ALL GARNISHEES MUST FILL OUT

22 THIS PORTION OF THE RESPONSE)

23

24 Place a check in front of all the following statements that apply. You may
25 need to check more than one statement.

26

27 — I have discovered that a voluntary or involuntary bankruptcy petition
28 has been filed by or on behalf of the Debtor after the date shown on
29 the face of the writ as the date on which the judgment was entered
30 against the Debtor or after the debt otherwise became subject to

1 garnishment. (You need not complete any other part of this response,
2 but you must sign the response and deliver it in the manner specified
3 in Step 2 of the Instructions to Garnishee form.)

4
5 — I do not employ the Debtor, I do not have in my possession, control
6 or custody any personal property of the Debtor, and I do not owe any
7 debts or other obligations to the Debtor.

8
9 — I employ the Debtor. (You must complete Part II of this response.)

10
11 — I have in my possession, control or custody garnishable money that
12 belongs to the Debtor (other than wages), or I owe a debt or other
13 obligation to the Debtor (other than wages) that is due as of the time
14 of this response. I am forwarding this money, or enough of it to satisfy
15 the garnishment, to the Garnishor.

16
17 — I owe a debt or other obligation to the Debtor (other than wages) that
18 was not due as of the time of this response but will become due within
19 45 days after the writ was delivered to me. I will forward the money,
20 or enough of it to satisfy the garnishment, to the Garnishor when the
21 debt or other obligation becomes due.

22
23 — I owe the following debt or other obligation to the Debtor (other than
24 wages) that will not become due within 45 days after the date that the
25 writ was delivered to me. I will not make any payments on the debt
26 or obligation until I receive instructions from the Sheriff or until 30
27 days have passed from the date on which I deliver this response. (See
28 Instructions to Garnishee form.)

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— I have in my possession, control or custody the following personal property (other than money) that belongs to the Debtor. I will hold all of the property for the Garnishor until I receive instructions from the Sheriff or until 30 days have passed from the date on which I deliver this response. (See Instructions to Garnishee form.)

— I may owe money to or hold property of the Debtor, but I am not sure what or how much it might be. (You must provide an explanation in the following space and you must deliver an amended response when you find out. You must deliver an amended response even if you find out that you have no property of the Debtor or owe no money to the Debtor.)

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— (FINANCIAL INSTITUTIONS ONLY) We hold one or more accounts for the Debtor, of which \$_____ is not subject to garnishment under ORS [~~18.784~~] **18.785**. We are forwarding all other garnishable amounts, or enough of it to satisfy the garnishment, to the Garnishor.

— The writ of garnishment delivered to me, on its face, does not comply with the Oregon laws governing writs of garnishment, or I cannot determine the identity of the Debtor from the information in the writ. (You must provide an explanation in the following space.)

1 — I have received an order to withhold income that applies to the income
2 of the Debtor. The order to withhold income has priority over the writ
3 of garnishment, and compliance with the order will reduce or eliminate
4 the money that I would otherwise deliver under the writ. (Provide de-
5 tails, including the name of the agency serving the order to withhold
6 income, the date the order was served on you and the amount to be
7 withheld. If you employ the Debtor, you must still complete Part II
8 of this response.)

9
10 _____
11
12 _____
13
14 _____
15
16 _____

17
18 — I have received notice of a challenge to the garnishment. I will deliver
19 to the court administrator all money that I would otherwise deliver
20 to the Garnishor. (See Step 3 of Instructions to Garnishee form.)

21
22 — Other (Explain)
23
24 _____
25
26 _____
27
28 _____
29
30 _____

1 “

2 PART II: DEBTOR’S EMPLOYER
3 (GARNISHEES WHO EMPLOY THE
4 DEBTOR MUST FILL OUT THIS
5 PORTION OF THE RESPONSE)
6

7 Place a check in front of all the following statements that apply. You may
8 need to check more than one statement.
9

10 NOTE: THE LAW PROHIBITS DISCHARGE OF THE DEBTOR FROM
11 EMPLOYMENT BY REASON OF GARNISHMENT.
12

13 — I employ the Debtor. The Debtor is paid on a _____ basis (insert
14 “weekly,” “monthly” or other pay period). Wages will next be payable
15 to the Debtor on the ____ day of _____, 2—. I will complete a Wage
16 Exemption Calculation form for each payment of wages that is made
17 during the 90-day period immediately following the date that the writ
18 of garnishment was delivered to me. I will also complete a Wage Ex-
19 emption Calculation form for the payday immediately following the
20 end of the 90-day period. I will forward to the Garnishor on each of
21 these occasions those wages calculated to be subject to garnishment,
22 or enough of those wages to satisfy the garnishment.
23

24 — I had already received a writ of garnishment from another Garnishor
25 before this writ was delivered to me. Under Oregon law, the previous
26 writ has priority. The previous writ will terminate on the ____ day of
27 _____, 2—.

28 “

29 I hereby certify that I have fully and accurately completed this garnishee
30 response.

1 Dated _____, 2—

2

3 _____

4 Name of Garnishee

5

6 _____

7 Signature

8

9 Telephone number _____

10

11 Fax number (if available) _____

12

13 _____

14 Address

15 “ _____

16 **“SECTION 15.** ORS 18.838 is amended to read:

17 “18.838. Instructions to garnishees must be in substantially the following
18 form:

19 “ _____

20 INSTRUCTIONS TO GARNISHEE

21

22 Except as specifically provided in these instructions, you must complete
23 and deliver the Garnishee Response within seven calendar days after you
24 receive the writ of garnishment. If the writ does not comply with Oregon
25 law, the writ is not effective to garnish any property of the Debtor, but you
26 still must complete and deliver the Garnishee Response. You must complete
27 and deliver the response even though you cannot determine from the writ
28 whether you hold any property or owe any debt to the Debtor. If the seventh
29 calendar day is a Saturday, Sunday or legal holiday, you must deliver your
30 response on or before the next following day that is not a Saturday, Sunday

1 or legal holiday.

2

3 The writ is not effective, and you need not make a Garnishee Response,
4 if:

5

6 • You do not receive the writ within 60 days after the date of issuance
7 shown on the face of the writ.

8

9 • You do not receive an original writ of garnishment or a copy of the
10 writ.

11

12 Statutes that may affect your rights and duties under the writ can be
13 found in ORS 18.600 to 18.850.

14

15 NOTE: The Garnishor may be the Creditor, the attorney for the Creditor
16 or some other person who is authorized by law to issue the writ of
17 garnishment. See the writ to determine who the Garnishor is.

18

19 STEP 1. FILL OUT THE GARNISHEE RESPONSE.

20

21 All garnishees who are required to deliver a garnishee response must fill
22 in Part I of the Garnishee Response. Garnishees who employ the Debtor must
23 also fill in Part II of the response. You should keep a copy of the response
24 for your records.

25

26 Completing Part I of the Garnishee Response. If you discover before you
27 deliver your response that a bankruptcy petition has been filed by or on be-
28 half of the Debtor, and the bankruptcy petition was filed after a judgment
29 was entered against the Debtor or after the debt otherwise became subject
30 to garnishment (see the date specified in the writ), you must put a check by

1 the appropriate statement in Part I. If a bankruptcy petition has been filed,
2 you should not make any payments to the Garnishor unless the court orders
3 otherwise. You need not complete any other part of the response, but you
4 still must sign the response and deliver it in the manner described in Step
5 2 of these instructions.

6 In all other cases you must list in Part I all money and personal property
7 of the Debtor that is in your possession, control or custody at the time of
8 delivery of the writ. You must also list all debts that you owe to the Debtor,
9 whether or not those debts are currently due (e.g., money loaned to you by
10 the Debtor that is to be repaid at a later time).

11 If you are the employer of the Debtor at the time the writ is delivered to
12 you, you must put a check by the appropriate statement in Part I. In addi-
13 tion, you must complete Part II of the response.

14 If you believe that you may hold property of the Debtor or that you owe
15 a debt to the Debtor, but you are not sure, you must put a check by the
16 appropriate statement and provide an explanation. When you find out what
17 property you hold that belongs to the Debtor, or you find out whether you
18 owe money to the Debtor and how much, you must prepare and deliver an
19 amended response. You must do this even if you find out that you have no
20 property of the Debtor or that you do not owe anything to the Debtor.

21 If you determine that the writ, on its face, does not comply with Oregon
22 laws governing writs of garnishment, or if you are unable to determine the
23 identity of the Debtor from the information in the writ, then the writ is not
24 effective to garnish any property of the Debtor. You must put a check by the
25 appropriate statement in Part I and provide an explanation. You still must
26 complete the response and deliver the response in the manner described in
27 Step 2 of these instructions.

28 If you have received an order to withhold income that applies to the in-
29 come of the Debtor and that order has priority over the garnishment, and if
30 compliance with the order will reduce or eliminate the money or property

1 that you would otherwise deliver under the garnishment, you must put a
2 check by the appropriate statement in Part I. You still must fill out the re-
3 mainder of the response and deliver the response in the manner described in
4 Step 2 of these instructions. If you employ the Debtor, you still must com-
5 plete Part II of the response.

6 If you receive notice of a challenge to the garnishment before you send
7 your response, you must complete and deliver your response as otherwise
8 required by these instructions. However, see Step 3 of these instructions re-
9 garding payment of money or delivery of property after receipt of notice of
10 a challenge to the garnishment.

11 If you owe a debt to the Debtor and the Debtor owes a debt to the holder
12 of an underlying lien on your property, you may be able to offset the amount
13 payable to the underlying lienholder. See ORS 18.620. You must note that
14 you have made the offset in Part I of the response (under “Other”) and
15 specify the amount that was offset.

16

17 Completing Part II of the Garnishee Response (employers only). You must
18 fill in Part II of the response if you employ the Debtor on the date the writ
19 of garnishment is delivered to you, or if you previously employed the Debtor
20 and still owe wages to the Debtor on the date the writ is delivered to you.

21

22 Wages affected. Except as provided below, the writ garnishes all wages
23 that you owe to the Debtor for work performed before the date you received
24 the writ, even though the wages will not be paid until a later date. The writ
25 also garnishes all wages that are attributable to services performed during
26 the 90-day period following the date you received the writ, even though you
27 would not pay the Debtor for all or part of those services until after the end
28 of the 90-day period. Wages subject to garnishment under the writ include
29 all amounts paid by you as an employer, whether on an hourly, weekly or
30 monthly basis, and include commission payments and bonuses.

1 Example 1: Debtor A is employed by you and is paid a monthly salary
2 on the first day of each month. You receive a writ of garnishment on
3 July 17. The writ garnishes all wages that you owe to Debtor A for
4 work performed on or before July 17. If Debtor A was paid on July 1
5 for services performed in the month of June, the writ garnishes Debtor
6 A's salary for the period beginning July 1 and ending October 15 (90
7 days after receipt of the writ).

8
9 The writ does not garnish any wages you owe to a Debtor for a specific
10 pay period if:

11 (a) The writ is delivered to you within two business days before the
12 Debtor's normal payday for the pay period;

13 (b) When the writ is delivered to you, the Debtor's wages are paid by di-
14 rect deposit to a financial institution, or you use an independent contractor
15 as payroll administrator for your payroll; and

16 (c) Before the writ was delivered to you, you issued instructions to the
17 financial institution or the payroll administrator to pay the Debtor for the
18 pay period.

19 If any wages are not garnishable by reason of the issuance of instructions
20 to a financial institution or a payroll administrator as described above, you
21 must so note in the Garnishee Response. Thereafter, you must pay to the
22 Garnishor all wages that are subject to garnishment that are attributable to
23 services performed by the Debtor during the 90-day period following the date
24 you received the writ.

25
26 Calculation of wages subject to garnishment. A Wage Exemption Calcu-
27 lation form is attached to the writ of garnishment. You must use this form
28 to calculate the amount of the Debtor's wages that is subject to garnishment.
29 You should read the instructions printed on the Wage Exemption Calculation
30 form to determine the normal wage exemption and the minimum wage ex-

1 exemption for each payment you make under the writ.

2 A Wage Exemption Calculation form must be sent with the first payment
3 you make under the writ. For the 90-day period during which the writ is ef-
4 fective, you must also fill out and return a Wage Exemption Calculation
5 form with a subsequent payment any time the initial calculation changes.
6 Finally, you must fill out and return a Wage Exemption Calculation form
7 with the final payment that you make under the writ.

8

9 Payment of amount subject to garnishment. Payments under the writ must
10 be made at the following times, unless the amount owing on the judgment
11 or other debt is fully paid before the final payment is made or the writ is
12 released:

13 (a) You must make a payment to the Garnishor of all wages subject to
14 garnishment at the time you next pay wages to the Debtor. Complete the
15 wage exemption computation, using the Wage Exemption Calculation form,
16 to determine the portion of the Debtor's wages that is subject to
17 garnishment. Be sure to adjust the minimum exemption amount for any
18 payment that covers less than a full pay period. You must include a copy
19 of the Wage Exemption Calculation form with this first payment.

20

21 Example 2: Using the facts given in Example 1, when you next make
22 any payment of wages to Debtor A after you receive the writ on July
23 17, you must complete the Wage Exemption Calculation form and send
24 the form to the Garnishor along with all amounts determined to be
25 subject to garnishment that are attributable to the period covered by
26 the payment. If you pay Debtor A on August 1, the payment will be
27 for all wages attributable to the period beginning July 1 and ending
28 July 31.

29

30 (b) Unless the writ of garnishment is satisfied or released, during the

1 90-day period following the date you received the writ, you must pay to the
2 Garnishor all wages that are determined to be subject to garnishment
3 whenever you issue a paycheck to the Debtor. If the Debtor is paid on a
4 weekly basis, you must make payment under the writ on a weekly basis. If
5 the Debtor is paid on a monthly basis, you must make payment under the
6 writ on a monthly basis. If the amount paid to the Debtor varies from pay-
7 check to paycheck, or changes at any time from the amount being paid at
8 the time the writ was delivered to you, you must perform a new wage ex-
9 emption computation to determine the amount of wages subject to
10 garnishment under the writ. You must send a copy of the new Wage Ex-
11 emption Calculation form with your payment to the Garnishor.

12

13 Example 3: Using the facts given above, as you make each subsequent
14 payment of wages to Debtor A you must make a payment of that por-
15 tion of the Debtor's wages that are subject to garnishment. If you
16 continue to pay Debtor A on the first of each month, payments must
17 be made on September 1 and October 1.

18

19 (c) Upon the expiration of the 90-day period, you must make a final pay-
20 ment to the Garnishor for all wages that were owing to the Debtor for the
21 work performed by the Debtor through the 90th day following your receipt
22 of the writ. This payment may be made at the time of the Debtor's next
23 paycheck. You will need to complete another Wage Exemption Calculation
24 form to determine the amount of the wages subject to garnishment.

25

26 Example 4: Using the facts given above, you must make a final pay-
27 ment for the wages owing to Debtor A for the period beginning Octo-
28 ber 1 and ending October 15. You may make this payment at the time
29 you issue Debtor A's paycheck on November 1, but you must make the
30 payment at any time you issue a paycheck to Debtor A after October

1 15. Be sure that in completing the wage exemption computation for the
2 final payment you adjust the minimum exemption amount to take into
3 account the fact that the period covered is only 15 days of the full
4 month (see instructions on Wage Exemption Calculation form).

5
6 Processing fee. You may collect a \$2 processing fee for each week of
7 wages, or fraction of a week of wages, for which a payment is made under
8 the writ. The fee must be collected after you make the last payment under
9 the writ. The fee must be withheld from the wages of the debtor, and is in
10 addition to the amounts withheld for payment to the Garnishor under the
11 writ or under any other writ you have received.

12
13 If you receive more than one writ of garnishment. If you receive a second
14 writ of garnishment for the same Debtor from another Garnishor, the first
15 writ will have priority for wages. The priority of the first writ lasts for the
16 90-day period following delivery of that writ to you, or until the first writ
17 is paid in full, whichever comes first. In your response to the second writ,
18 you must put a check by the appropriate statement in Part II and indicate
19 the date on which the first writ will expire (90 days after the date you re-
20 ceived the writ). You should make no payments under the second writ until
21 expiration of the first writ. The expiration date of the second writ is 90 days
22 after the date you received the second writ; the expiration date is not af-
23 fected by any delay in payment attributable to the priority of the first writ.

24
25 STEP 2. DELIVER THE GARNISHEE RESPONSE.

26
27 You must deliver your Garnishee Response and copies of the response in
28 the manner provided in this step. The response and copies may be mailed or
29 delivered personally.

1 You must complete and deliver the Garnishee Response within seven
2 calendar days after you receive the writ of garnishment. If the seventh cal-
3 endar day is a Saturday, Sunday or legal holiday, you must deliver your re-
4 sponse on or before the next following day that is not a Saturday, Sunday
5 or legal holiday.

6

7 If you are required to hold any property under the writ or make any
8 payment under the writ, either at the time of making your response or later,
9 you must:

10 (a) Send the original of your Garnishee Response to the Garnishor at the
11 address indicated on the writ under Important Addresses.

12 (b) Send a copy of your Garnishee Response to the court administrator
13 at the address indicated on the writ under Important Addresses.

14 (c) Send a copy of your Garnishee Response to the Debtor if an address
15 is indicated on the writ under Important Addresses.

16

17 If you are not required to hold any property under the writ or make any
18 payment under the writ, either at the time of making your response or later,
19 you must:

20 (a) Send the original of your Garnishee Response to the Garnishor at the
21 address indicated on the writ under Important Addresses.

22 (b) Send a copy of your Garnishee Response to the Debtor if an address
23 is indicated on the writ under Important Addresses.

24

25 STEP 3. DELIVER THE FUNDS OR OTHER PROPERTY.

26

27 As long as the writ is in effect, you may be liable to the Creditor if you
28 pay any debt or turn over any property to the Debtor except as specifically
29 allowed by law. If you have any money or property of the Debtor in your
30 possession, control or custody at the time of delivery of the writ, or owe any

1 debt to the Debtor, you must pay the money or hold the property as required
2 by this step. Exceptions to this requirement are listed below.

3

4 IF YOU ARE HOLDING MONEY FOR THE DEBTOR OR OWE A DEBT
5 THAT IS CURRENTLY DUE, you must pay the money to the Garnishor with
6 your response. You must send your payment to the Garnishor at the address
7 indicated on the writ under Important Addresses. Make your check payable
8 to the Garnishor.

9

10 IF YOU OWE A DEBT TO THE DEBTOR THAT WILL BECOME DUE
11 WITHIN 45 DAYS AFTER THE DATE YOU RECEIVED THE WRIT, you
12 must send your payment directly to the Garnishor at the address provided
13 in the writ when the debt becomes due. Make your check payable to the
14 Garnishor.

15

16 IF YOU ARE HOLDING PROPERTY THAT BELONGS TO THE
17 DEBTOR, OR OWE A DEBT TO THE DEBTOR THAT WILL NOT BECOME
18 DUE WITHIN 45 DAYS AFTER THE DATE YOU RECEIVED THE WRIT,
19 you must keep the property or debt in your possession, control or custody
20 until you receive written notice from the Sheriff. The Sheriff's notice will
21 tell you what to do with the property or debt. If you have followed all of the
22 instructions in the writ and you receive no notice from the Sheriff within
23 30 days after the date on which you delivered your Garnishee Response, you
24 may treat the writ as being of no further force or effect.

25

26 EXCEPTIONS:

27

28 1. Challenge to garnishment or specific directions from court. If you are
29 making any payments under the garnishment and before making a payment
30 you receive notice of a challenge to the garnishment from the court, or re-

1 ceive a specific direction from the court to make payments to the court, you
2 must send or deliver the payment directly to the court administrator. If the
3 money is currently due when you receive the notice, send the payment
4 promptly to the court. If the payment is for a debt that is payable within 45
5 days after you receive the writ, make the payment to the court promptly
6 when it becomes due. If you make payment by check, make the check payable
7 to the State of Oregon. Because you may be liable for any payment that does
8 not reach the court, it is better not to send cash by mail.

9 A challenge to the garnishment does not affect your duty to follow the
10 instructions you receive from the Sheriff for property that belongs to the
11 Debtor and debts that you owe to the Debtor that do not become due within
12 45 days.

13

14 2. Previous writ of garnishment. If you receive a second writ of
15 garnishment for the same Debtor from another Garnishor, the first writ will
16 have priority and you need not make payments or deliver property under the
17 second writ to the extent that compliance with the first writ will reduce or
18 eliminate the payment of money or delivery of property that you would oth-
19 erwise make under the garnishment. You must still deliver a Garnishee Re-
20 sponse to the second writ, and must commence payment under the second
21 writ as soon as the first writ is satisfied or expires.

22

23 3. Offset for payment of underlying lien. If you owe a debt to the Debtor
24 and the Debtor owes a debt to the holder of an underlying lien on your
25 property, you may be able to offset the amount payable to the underlying
26 lienholder. See ORS 18.620.

27

28 4. Subsequent events:

29

30 (a) Bankruptcy. If you make your response and then discover that a vol-

1 untary or involuntary bankruptcy petition has been filed by or on behalf of
2 the Debtor after the judgment was entered against the Debtor or after the
3 debt otherwise became subject to garnishment (see date in writ), you may
4 not make any further payments or delivery of property under the writ unless
5 the court orders otherwise. If you have not delivered all property that is
6 subject to garnishment under this writ when you discover that a bankruptcy
7 petition has been filed, you must mail the following notice to the Garnishor
8 and to the Debtor.

9

10 (b) Order to withhold income. If you make your response and then receive
11 an order to withhold income that has priority over the writ, you may make
12 payments or deliver property under the writ only after payment of the
13 amounts required under the order to withhold income. If you have not de-
14 livered all property that is subject to garnishment under this writ when you
15 receive an order to withhold income that has priority, you must mail the
16 following notice to the Garnishor and to the Debtor.

17 “

18 SUPPLEMENTAL GARNISHEE
19 RESPONSE

20

21 TO: The Garnishor and the Debtor

22

23 RE: Writ of garnishment received _____, 2__ (date), in the case of
24 _____ (Plaintiff) vs. _____ (Defendant), Circuit Court of _____
25 County, Oregon, Case No. _____.

26

27 The undersigned Garnishee furnished a Garnishee Response to this writ
28 of garnishment on _____, 2__ (date). Since that time (check appropriate
29 statement):

30

1 — I have discovered that a voluntary or involuntary bankruptcy petition
2 has been filed by or on behalf of the Debtor after the judgment was
3 entered against the Debtor or after the debt otherwise became subject
4 to garnishment.

5
6 — I have received an order to withhold income of the Debtor by reason
7 of a support obligation. Under ORS 25.375, the order to withhold in-
8 come has priority over any other legal process under Oregon law
9 against the same income. The withholding of income pursuant to the
10 order to withhold income might reduce or eliminate subsequent pay-
11 ments under the garnishment. (Provide details, including the name of
12 the agency serving the order to withhold, the date the order was
13 served on you and the amounts to be withheld.)

14
15 Dated _____, 2__

16
17 _____
18 Name of Garnishee

19
20 _____
21 Signature

22
23 _____
24 Address

25 “ _____
26 SPECIAL INSTRUCTIONS FOR BANKS
27 AND OTHER FINANCIAL INSTITUTIONS

28
29 [Unless a Notice of Right to Garnish Federal Benefits from the United
30 States Government or from a state child support enforcement agency is at-

1 *tached to or included in the garnishment, you must conduct a garnishment*
2 *account review for each account that you hold for the debtor. If a Notice of*
3 *Right to Garnish Federal Benefits from the United States Government or from*
4 *a state child support enforcement agency is attached to or included in the*
5 *garnishment, you should not conduct a garnishment account review, and*
6 *should proceed upon the garnishment in the normal manner.]*

7 *[If you hold an account for the debtor, and any of the payments listed below*
8 *has been deposited in the account by direct deposit or electronic payment dur-*
9 *ing the lookback period described in ORS 18.784 (2) (the period that begins*
10 *on the date preceding the date of your garnishment account review and that*
11 *ends on the corresponding date of the month two months earlier, or on the last*
12 *day of the month two months earlier if the corresponding date does not exist),*
13 *an amount equal to the lesser of the sum of those payments or the total balance*
14 *in the debtor's account is not subject to garnishment, and you may not deliver*
15 *that amount to the garnishor:]*

16 *[(a) Federal benefit payments as defined in ORS 18.600 (payments from the*
17 *United States Social Security Administration, the United States Department*
18 *of Veterans Affairs, the United States Office of Personnel Management or the*
19 *Railroad Retirement Board);]*

20 *[(b) Payments from a public or private retirement plan as defined in ORS*
21 *18.358;]*

22 *[(c) Public assistance or medical assistance, as defined in ORS 414.025,*
23 *payments from the State of Oregon or an agency of the State of Oregon;]*

24 *[(d) Unemployment compensation payments from the State of Oregon or an*
25 *agency of the State of Oregon;]*

26 *[(e) Black lung benefits payments from the United States Department of*
27 *Labor; and]*

28 *[(f) Workers' compensation payments from a workers' compensation*
29 *carrier.]*

30 **(1)(a) If you receive a writ of garnishment for a Debtor who has an**

1 account with your institution, you must first determine whether a
2 Notice of Right to Garnish Federal Benefits from the United States
3 Government or from a state child support enforcement agency, as
4 provided in 31 C.F.R. part 212, accompanies the writ of garnishment.

5 (b) If a Notice of Right to Garnish Federal Benefits accompanies the
6 writ of garnishment, you must proceed with the garnishment in the
7 normal manner.

8 (c) If the writ of garnishment is attached to an attestation that a
9 debt arises out of a child support or spousal support obligation or a
10 judgment that contains a money award of restitution, the base pro-
11 tected account balance does not apply and you should not perform the
12 calculation provided by (1)(d), (2), (3), (5) and (6) below, but you must
13 perform a garnishment account review as provided in (4) and (7) below.

14 (d) If a Notice of Right to Garnish Federal Benefits does not ac-
15 company the writ of garnishment or the writ of garnishment is not
16 attached to an attestation that a debt arises out of a child support or
17 spousal support obligation or a judgment that contains a money award
18 that includes restitution, you must immediately determine the total
19 amount in all of the accounts the Debtor has with your institution.

20 (2)(a) If, after making the determination in (1)(d) above, you find
21 that the total amount in all of the Debtor's accounts with your insti-
22 tution is less than or equal to the base protected account balance, as
23 defined in ORS 18.785 (1)(a), shown on the Oregon Judicial Department
24 website as exempt from garnishment:

25 (A) The Debtor's accounts are not subject to garnishment.

26 (B) You must provide full customary access to the Debtor's ac-
27 counts.

28 (b) As of the effective date of this 2024 Act, the amount that is not
29 subject to garnishment is \$2,500, but this amount is indexed to the
30 Consumer Price Index for All Urban Consumers, West Region (All

1 Items), as published by the Bureau of Labor Statistics of the United
2 States Department of Labor or a successor agency, and may vary from
3 year to year.

4 (3) If, after making the determination in (1)(d) above, you find that
5 the total amount in all of the Debtor's accounts with your institution
6 exceeds the base protected account balance shown on the Oregon Ju-
7 dicial Department website as exempt from garnishment:

8 (a) The base protected account balance is not subject to
9 garnishment.

10 (b) You must provide full customary access to the base protected
11 account balance shown on the Oregon Judicial Department website as
12 exempt from garnishment.

13 (c) You must conduct a garnishment account review.

14 (4) In a garnishment account review, you must determine whether
15 any of the following payments were made by direct deposit or elec-
16 tronic transfer to any of the Debtor's accounts with your institution
17 within the lookback period described in ORS 18.785 (2)(d) (the period
18 that begins on the date preceding the date of your garnishment ac-
19 count review and that ends on the corresponding date of the month
20 two months earlier, or on the last day of the month two months ear-
21 lier if the corresponding date does not exist):

22 (a) Federal benefit payments as defined in ORS 18.600 (benefit pay-
23 ments from the United States Social Security Administration, the
24 United States Department of Veterans Affairs, the United States Of-
25 fice of Personnel Management or the Railroad Retirement Board);

26 (b) Payments from a public or private retirement plan as defined
27 in ORS 18.358;

28 (c) Public assistance payments or medical assistance, as defined in
29 ORS 414.025, from the State of Oregon or an agency of the State of
30 Oregon;

1 **(d) Unemployment compensation payments from the State of**
2 **Oregon or an agency of the State of Oregon;**

3 **(e) Black lung benefits payments from the United States Depart-**
4 **ment of Labor; or**

5 **(f) Workers' compensation payments from a workers' compensation**
6 **carrier.**

7 **(5) If in the garnishment account review you determine that any**
8 **of the payments listed in (4) above were made by direct deposit or**
9 **electronic transfer to any of the Debtor's accounts with your institu-**
10 **tion within the lookback period, you may not garnish, and must pro-**
11 **vide full customary access to, the sum of:**

12 **(a) The base protected account balance shown on the Oregon Judi-**
13 **cial Department website as exempt from garnishment; and**

14 **(b) The amount by which the sum of all payments described in (4)**
15 **above exceeds the base protected account balance.**

16 **(6) Any amount in the Debtor's accounts that exceeds the amounts**
17 **described in (5) above is subject to garnishment and you must proceed**
18 **with garnishment in the ordinary manner.**

19 **(7) If the writ of garnishment is attached to an attestation that a**
20 **debt arises out of a child support or spousal support obligation or a**
21 **judgment that contains a money award of restitution, you must pro-**
22 **vide the Debtor with full customary access to all payments listed in**
23 **(4) above that were made by direct deposit or electronic transfer to an**
24 **account within the lookback period the Debtor has with your institu-**
25 **tion.**

26

27 If the Garnishor fails to pay the search fee required by ORS 18.790 and
28 you do not employ the Debtor, you are not required to deliver a Garnishee
29 Response and you may deal with any property of the Debtor as though the
30 garnishment had not been issued.

1 If the Debtor owes a debt to you that was due at the time you received
2 the writ of garnishment, you may be able to offset the amount of that debt.
3 See ORS 18.795. You must note that you have made the offset in Part I of
4 the Garnishee Response (under “Other”) and specify the amount that was
5 offset.

6
7 Before making a payment under the writ, you may first deduct any pro-
8 cessing fee that you are allowed under ORS 18.790. If you are required to
9 conduct a garnishment account review, you may not charge or collect a
10 processing fee against any amount that is not subject to garnishment, and
11 may not charge or collect a garnishment processing fee against any amounts
12 in the account after the date that you conduct the review.

13
14 You need not deliver any property contained in a safe deposit box unless
15 the Garnishor pays you in advance for the costs that will be incurred in
16 gaining entry to the box. See ORS 18.792.

17
18 If you are required to conduct a garnishment account review and you
19 determine from the review that one or more of the payments listed in ORS
20 [18.784 (3)] **18.785 (2)(c)(B)** have been deposited into the Debtor’s account
21 by direct deposit or electronic payment during the lookback period described
22 in ORS [18.784 (2)] **18.785 (2)(d)**, and that there is a positive balance in the
23 account, you must issue a notice to the account holder in substantially the
24 form set forth in ORS 18.847. The notice must be issued directly to the ac-
25 count holder or to a fiduciary who administers the account and receives
26 communications on behalf of the account holder. The notice must be sent
27 separately to the account holder and may not be included with other mate-
28 rials being provided to the account holder that do not relate to the
29 garnishment. You must send the notice to the account holder within three
30 business days after you complete the garnishment account review. You may

1 issue one notice with information related to multiple accounts of a single
2 account holder.

3 “ _____

4 **“SECTION 16.** ORS 18.840 is amended to read:

5 “18.840. (1) A wage exemption calculation form must be delivered to the
6 garnishee with each writ of garnishment. **Except as provided in subsection**
7 **(2) of this section,** a wage exemption calculation form must be in substan-
8 tially the following form: **For wages paid on or after July 1, 2027, the**
9 **garnishor is required to update this form with the applicable year and**
10 **wage exemption amounts published on the Judicial Department**
11 **website pursuant to ORS 18.385 (3). The garnishor is required to in-**
12 **clude the wage exemption amounts for wages earned before and after**
13 **July 1 of the year the garnishment was issued.**

14 “ _____

15 WAGE EXEMPTION CALCULATION

16 (to be filled out by employers only)

17

- 18 1. Debtor’s gross wages
19 for period covered by this
20 payment..... \$ _____
- 21 2. Total amount required to be
22 withheld by law for amount in Line 1
23 (Federal and state
24 withholding, Social
25 Security, etc.)..... \$ _____
- 26 3. Debtor’s disposable wages
27 (Subtract Line 2
28 from Line 1)..... \$ _____
- 29 4. Normal exemption
30 (Enter 75 percent

1 of Line 3)..... \$ _____

2 [5. *Minimum exemption (check one)*

3 — \$254 (*payment of wages weekly*)

4 — \$509 (*payment of wages every*

5 *two weeks*)

6 — \$545 (*payment of wages half-monthly*)

7 — \$1,090 (*payment of wages monthly*)

8 — \$_____ (*Any other period longer*

9 *than one week, including partial*

10 *payments for less than full pay*

11 *period) (Multiply \$254 by number*

12 *of weeks or fraction of a week)]*

13 **5. Minimum exemption (check one)**

14 **If you pay wages weekly:**

15 — **\$254, if the wages are payable before January 1, 2025**

16 — **\$305, if the wages are payable on or after January 1, 2025, and before July 1, 2025**

17 — **\$338, if the wages are payable on or after July 1, 2025, and before July 1, 2026**

18 — **\$400, if the wages are payable on or after July 1, 2026, and before July 1, 2027**

19 — **\$___, if the wages are payable on or after July 1, 2027, and before July 1, 2028. Note:**

20 **The garnishor is required to insert the applicable wage exemption amount published**

21 **on the Judicial Department website pursuant to ORS 18.385 (3)**

22 — **\$___, if the wages are payable on or after July 1, ___ and before July 1, ___. Note:**

23 **The garnishor is required to insert the applicable years and wage exemption amount**

24 **published on the Judicial Department website pursuant to ORS 18.385 (3)**

25 **If you pay wages every two weeks:**

26 — **\$509, if the wages are payable before January 1, 2025**

27 — **\$611, if the wages are payable on or after January 1, 2025, and before July 1, 2025**

28 — **\$675, if the wages are payable on or after July 1, 2025, and before July 1, 2026**

29 — **\$832, if the wages are payable on or after July 1, 2026, and before July 1, 2027**

30 — **\$___, if the wages are payable on or after July 1, 2027, and before July 1, 2028. Note:**

1 The garnishor is required to insert the applicable wage exemption amount published
2 on the Judicial Department website pursuant to ORS 18.385 (3)

3 — \$___, if the wages are payable on or after July 1, ___ and before July 1, ___. Note:

4 The garnishor is required to insert the applicable years and wage exemption amount
5 published on the Judicial Department website pursuant to ORS 18.385 (3)

6 **If you pay wages for a half-month period:**

7 — \$545, if the wages are payable before January 1, 2025

8 — \$655, if the wages are payable on or after January 1, 2025, and before July 1, 2025

9 — \$737, if the wages are payable on or after July 1, 2025, and before July 1, 2026

10 — \$912, if the wages are payable on or after July 1, 2026, and before July 1, 2027

11 — \$___, if the wages are payable on or after July 1, 2027, and before July 1, 2028. Note:

12 The garnishor is required to insert the applicable wage exemption amount published
13 on the Judicial Department website pursuant to ORS 18.385 (3)

14 — \$___, if the wages are payable on or after July 1, ___ and before July 1, ___. Note:

15 The garnishor is required to insert the applicable years and wage exemption amount
16 published on the Judicial Department website pursuant to ORS 18.385 (3)

17 **If you pay wages monthly:**

18 — \$1,090, if the wages are payable before January 1, 2025

19 — \$1,309, if the wages are payable on or after January 1, 2025, and before July 1, 2025

20 — \$1,458, if the wages are payable on or after July 1, 2025, and before July 1, 2026

21 — \$1,792, if the wages are payable on or after July 1, 2026, and before July 1, 2027

22 — \$___, if the wages are payable on or after July 1, 2027, and before July 1, 2028. Note:

23 The garnishor is required to insert the applicable wage exemption amount published
24 on the Judicial Department website pursuant to ORS 18.385 (3)

25 — \$___, if the wages are payable on or after July 1, ___ and before July 1, ___. Note:

26 The garnishor is required to insert the applicable years and wage exemption amount
27 published on the Judicial Department website pursuant to ORS 18.385 (3)

28 **If you pay wages for any other period longer than one week, including partial payments
29 for less than a full pay period:**

30 — \$254 multiplied by that fraction produced by dividing the number of days for which

- 1 the earnings are paid by seven, rounded to the nearest dollar, if the wages are paya-
- 2 ble before January 1, 2025
- 3 — \$305 multiplied by that fraction produced by dividing the number of days for which
- 4 the earnings are paid by seven, rounded to the nearest dollar, if the wages are paya-
- 5 ble on or after January 1, 2025, and before July 1, 2025
- 6 — \$338 multiplied by that fraction produced by dividing the number of days for which
- 7 the earnings are paid by seven, rounded to the nearest dollar, if the wages are paya-
- 8 ble on or after July 1, 2025, and before July 1, 2026
- 9 — \$400 multiplied by that fraction produced by dividing the number of days for which
- 10 the earnings are paid by seven, rounded to the nearest dollar, if the wages are paya-
- 11 ble on or after July 1, 2026, and before July 1, 2027
- 12 — The minimum wage that the Bureau of Labor and Industries calculates under ORS
- 13 653.025 (1) multiplied by 30 and multiplied again by the number of weeks or fraction
- 14 of a week, if the wages are payable on or after July 1, 2027

- 15 6. Wages exempt from garnishment
- 16 (Line 4 or 5,
- 17 whichever is greater)..... \$ _____
- 18 7. Nonexempt wages
- 19 (Subtract Line 6
- 20 from Line 3)..... \$ _____
- 21 8. Amount withheld for this pay period
- 22 pursuant to a support order under
- 23 support withholding process or under
- 24 another writ with priority..... \$ _____
- 25 9. Wages subject to garnishment
- 26 (Subtract Line 8
- 27 from Line 7)..... \$ _____

28

29 INSTRUCTIONS FOR WAGE

30 EXEMPTION CALCULATION FORM

1 If you employ the Debtor named in the writ of garnishment, you must fill
2 out and return this Wage Exemption Calculation form. A Wage Exemption
3 Calculation form must be sent with the first payment you make under the
4 writ. For the 90-day period during which the writ is effective, you must also
5 fill out and return a Wage Exemption Calculation form with a subsequent
6 payment any time the initial calculation changes. Finally, you must fill out
7 and return a Wage Exemption Calculation form with the final payment that
8 you make under the writ.

9

10 Normal wage exemption. The wage exemption calculation is based on the
11 amount of the payment you make under the writ of garnishment. The normal
12 wage exemption in Line 4 is 75 percent of the employee's disposable wages
13 in Line 3.

14

15 Minimum wage exemption. The minimum exemption in Line 5 is also
16 based on the amount of the payment you are making. The minimum ex-
17 emption is designed to ensure that an employee receives at least a certain
18 minimum amount in any one-week period. *[If the payment is for a one-week
19 period (without regard to whether the period is a calendar week or any other
20 seven-day period), the minimum exemption is \$254. The minimum exemption
21 is \$509 if the payment is for a two-week period. If the payment is for one-half
22 of one month (i.e., the Debtor is paid twice each month), the minimum ex-
23 emption is \$545. The minimum exemption for a monthly payment is \$1,090.]*

24 **If the payment is for a one-week period (without regard to whether**
25 **the period is a calendar week or any other seven-day period), the**
26 **minimum exemption is:**

27 **\$254, if the wages are payable before January 1, 2025**

28 **\$305, if the wages are payable on or after January 1, 2025, and before**
29 **July 1, 2025**

30 **\$338, if the wages are payable on or after July 1, 2025, and before**

1 **July 1, 2026**

2 **\$400, if the wages are payable on or after July 1, 2026, and before**
3 **July 1, 2027**

4 **\$___, if the wages are payable on or after July 1, 2027, and before**
5 **July 1, 2028. Note: The garnishor is required to insert the applicable**
6 **wage exemption amount published on the Judicial Department website**
7 **pursuant to ORS 18.385 (3)**

8 **\$___, if the wages are payable on or after July 1, ___ and before**
9 **July 1, ___.** Note: The garnishor is required to insert the applicable
10 years and wage exemption amount published on the Judicial Depart-
11 ment website pursuant to ORS 18.385 (3)

12 **If the payment is for a two-week period, the minimum exemption**
13 **is:**

14 **\$509, if the wages are payable before January 1, 2025**

15 **\$611, if the wages are payable on or after January 1, 2025, and before**
16 **July 1, 2025**

17 **\$675, if the wages are payable on or after July 1, 2025, and before**
18 **July 1, 2026**

19 **\$832, if the wages are payable on or after July 1, 2026, and before**
20 **July 1, 2027**

21 **\$___, if the wages are payable on or after July 1, 2027, and before**
22 **July 1, 2028. Note: The garnishor is required to insert the applicable**
23 **wage exemption amount published on the Judicial Department website**
24 **pursuant to ORS 18.385 (3)**

25 **\$___, if the wages are payable on or after July 1, ___ and before**
26 **July 1, ___.** Note: The garnishor is required to insert the applicable
27 years and wage exemption amount published on the Judicial Depart-
28 ment website pursuant to ORS 18.385 (3)

29 **If the payment is for a one-half of one month (i.e. the Debtor is**
30 **paid twice each month), the minimum exemption is:**

1 **\$545, if the wages are payable before January 1, 2025**
2 **\$655, if the wages are payable on or after January 1, 2025, and before**
3 **July 1, 2025**
4 **\$737, if the wages are payable on or after July 1, 2025, and before**
5 **July 1, 2026**
6 **\$912, if the wages are payable on or after July 1, 2026, and before**
7 **July 1, 2027**
8 **\$___, if the wages are payable on or after July 1, 2027, and before**
9 **July 1, 2028. Note: The garnishor is required to insert the applicable**
10 **wage exemption amount published on the Judicial Department website**
11 **pursuant to ORS 18.385 (3)**
12 **\$___, if the wages are payable on or after July 1, ___ and before**
13 **July 1, ___. Note: The garnishor is required to insert the applicable**
14 **years and wage exemption amount published on the Judicial Depart-**
15 **ment website pursuant to ORS 18.385 (3)**
16 **If the payment is for a monthly period, the minimum exemption is:**
17 **\$1,090, if the wages are payable before January 1, 2025**
18 **\$1,309, if the wages are payable on or after January 1, 2025, and**
19 **before July 1, 2025**
20 **\$1,458, if the wages are payable on or after July 1, 2025, and before**
21 **July 1, 2026**
22 **\$1,792, if the wages are payable on or after July 1, 2026, and before**
23 **July 1, 2027**
24 **\$___, if the wages are payable on or after July 1, 2027, and before**
25 **July 1, 2028. Note: The garnishor is required to insert the applicable**
26 **wage exemption amount published on the Judicial Department website**
27 **pursuant to ORS 18.385 (3)**
28 **\$___, if the wages are payable on or after July 1, ___, and before**
29 **July 1, ___. Note: The garnishor is required to insert the applicable**
30 **years and wage exemption amount published on the Judicial Depart-**

1 **ment website pursuant to ORS 18.385 (3)**

2 If the payment you are making is based on some period of time other than
3 one week, two weeks, half month or month, and the payment is for more than
4 one week, you must calculate the minimum exemption by multiplying [**\$254**
5 **by] the minimum exemption for one week or less provided for in ORS**
6 **18.385 (2)(a) by** the number of weeks covered by the paycheck, including any
7 fraction of a week. You should round the amount calculated to the nearest
8 dollar.

9

10 *[Example 1: You pay Debtor A every 10 days. Each 10-day period is*
11 *equal to 1.429 weeks (10 divided by 7). The minimum exemption is \$363*
12 *(\$254 × 1.429 rounded to the nearest dollar).]*

13

14 *[You must use this same calculation for computing the minimum exemption*
15 *when making a payment for less than a full pay period (e.g., for the final*
16 *payment at the end of the 90-day period covered by the writ).]*

17

18 *[Example 2: You pay Debtor A on a monthly basis. You are required to*
19 *make a final payment under a writ of garnishment for the wages owing*
20 *to Debtor A for the period beginning October 1 and ending October 15.*
21 *This period is equal to 2.143 weeks (15 divided by 7). The minimum*
22 *exemption is \$544 (\$254 × 2.143 rounded to the nearest dollar).]*

23

24 *[The amount of time actually worked by the Debtor during the period cov-*
25 *ered by the paycheck does not affect the calculation of the minimum*
26 *exemption.]*

27

28 *[Example 3: You pay Debtor A on a weekly basis. Debtor A works two*
29 *days per week. The minimum exemption is \$254 for each weekly payment*
30 *you make for Debtor A.]*

1 *[If the payment you are making is based on a period of time less than one*
2 *week, the minimum wage exemption may not exceed \$254 for any one-week pe-*
3 *riod.]*

4 **The amounts that are exempt from garnishment may change from**
5 **year to year. You may view updated garnishment exemption limita-**
6 **tions on the Oregon Judicial Department website.**

7
8 If you receive more than one writ of garnishment. If you receive more
9 than one writ of garnishment for the same debtor, the writs have priority
10 based on the date on which you receive them. If the full amount of wages
11 subject to garnishment for a given pay period is paid on the first writ, you
12 should not make any payment on subsequently received writs until the first
13 writ expires. In some cases, it may be necessary to make payments on two
14 or more writs for the same pay period.

15
16 Example [4]: You have received two writs of garnishment for Debtor
17 A. You pay Debtor A on a monthly basis. The first writ expires on
18 October 16. The second writ will not expire until November 15. You
19 will need to prepare two wage exemption calculation forms for Debtor
20 A’s October wages and make payments under both writs. The wage
21 exemption calculation form for the first writ will be for the wages at-
22 tributable to October 1 to October 15 [*as described in Example 2*]. The
23 wage exemption calculation form for the second writ will be for all
24 wages for the month of October, but the amounts withheld under the
25 first writ must be subtracted on Line 8 to determine the October wages
26 subject to garnishment under the second writ.

27 “
28 **“(2) If a writ of garnishment includes or is attached to a notice from**
29 **a state or federal child support agency or includes or is attached to**
30 **an attestation that a debt arises out of a judgment debtor’s child**

1 support or spousal support obligation or a money award judgment that
2 includes restitution, the wage exemption calculation form described in
3 subsection (1) of this section must be modified to read as follows:

4 “

5 **WAGE EXEMPTION CALCULATION**
6 **(to be filled out by employers only)**

- 7
- 8 **1. Debtor’s gross wages**
9 **for period covered by this**
10 **payment..... \$ _____**
- 11 **2. Total amount required to be**
12 **withheld by law for amount in Line 1**
13 **(Federal and state**
14 **withholding, Social**
15 **Security, etc.)..... \$ _____**
- 16 **3. Debtor’s disposable wages**
17 **(Subtract Line 2**
18 **from Line 1) \$ _____**
- 19 **4. Normal exemption**
20 **(Enter 75 percent**
21 **of Line 3)..... \$ _____**
- 22 **5. Minimum exemption (check one)**
23 **— \$254 (payment of wages weekly)**
24 **— \$509 (payment of wages every two weeks)**
25 **— \$545 (payment of wages half-monthly)**
26 **— \$1,090 (payment of wages monthly)**
27 **— \$_____ (Any other period longer than one**
28 **week, including partial payments for less**
29 **than full pay period) (Multiply \$254 by number**
30 **of weeks or fraction of a week)**

- 1 **6. Wages exempt from garnishment**
- 2 (Line 4 or 5,
- 3 whichever is greater) \$ _____
- 4 **7. Nonexempt wages**
- 5 (Subtract Line 6
- 6 from Line 3) \$ _____
- 7 **8. Amount withheld for this pay period**
- 8 pursuant to a support order under
- 9 support withholding process or under
- 10 another writ with priority..... \$ _____
- 11 **9. Wages subject to garnishment**
- 12 (Subtract Line 8
- 13 from Line 7) \$ _____

**INSTRUCTIONS FOR WAGE
EXEMPTION CALCULATION FORM**

17 **If you employ the Debtor named in the writ of garnishment, you**
 18 **must fill out and return this Wage Exemption Calculation form. A**
 19 **Wage Exemption Calculation form must be sent with the first payment**
 20 **you make under the writ. For the 90-day period during which the writ**
 21 **is effective, you must also fill out and return a Wage Exemption Cal-**
 22 **culatation form with a subsequent payment any time the initial calcu-**
 23 **lation changes. Finally, you must fill out and return a Wage**
 24 **Exemption Calculation form with the final payment that you make**
 25 **under the writ.**

27 **Normal wage exemption. The wage exemption calculation is based**
 28 **on the amount of the payment you make under the writ of**
 29 **garnishment. The normal wage exemption in Line 4 is 75 percent of**
 30 **the employee’s disposable wages in Line 3.**

1 **Minimum wage exemption.** The minimum exemption in Line 5 is
2 also based on the amount of the payment you are making. The mini-
3 mum exemption is designed to ensure that an employee receives at
4 least a certain minimum amount in any one-week period. If the pay-
5 ment is for a one-week period (without regard to whether the period
6 is a calendar week or any other seven-day period), the minimum ex-
7 emption is \$254. The minimum exemption is \$509 if the payment is for
8 a two-week period. If the payment is for one-half of one month (i.e.,
9 the Debtor is paid twice each month), the minimum exemption is \$545.
10 The minimum exemption for a monthly payment is \$1,090.

11 If the payment you are making is based on some period of time
12 other than one week, two weeks, half month or month, and the pay-
13 ment is for more than one week, you must calculate the minimum
14 exemption by multiplying \$254 by the number of weeks covered by the
15 paycheck, including any fraction of a week. You should round the
16 amount calculated to the nearest dollar.

17

18 **Example 1:** You pay Debtor A every 10 days. Each 10-day period
19 is equal to 1.429 weeks (10 divided by 7). The minimum exemption
20 is \$363 ($\254×1.429 rounded to the nearest dollar).

21

22 You **must** use this same calculation for computing the minimum
23 exemption when making a payment for less than a full pay period
24 (e.g., for the final payment at the end of the 90-day period covered by
25 the writ).

26

27 **Example 2:** You pay Debtor A on a monthly basis. You are re-
28 quired to make a final payment under a writ of garnishment for
29 the wages owing to Debtor A for the period beginning October 1
30 and ending October 15. This period is equal to 2.143 weeks (15

1 divided by 7). The minimum exemption is \$544 ($\254×2.143
2 rounded to the nearest dollar).

3
4 The amount of time actually worked by the Debtor during the pe-
5 riod covered by the paycheck does not affect the calculation of the
6 minimum exemption.

7
8 Example 3: You pay Debtor A on a weekly basis. Debtor A works
9 two days per week. The minimum exemption is \$254 for each
10 weekly payment you make for Debtor A.

11
12 If the payment you are making is based on a period of time less
13 than one week, the minimum wage exemption may not exceed \$254 for
14 any one-week period.

15
16 If you receive more than one writ of garnishment. If you receive
17 more than one writ of garnishment for the same debtor, the writs have
18 priority based on the date on which you receive them. If the full
19 amount of wages subject to garnishment for a given pay period is paid
20 on the first writ, you should not make any payment on subsequently
21 received writs until the first writ expires. In some cases, it may be
22 necessary to make payments on two or more writs for the same pay
23 period.

24
25 Example 4: You have received two writs of garnishment for
26 Debtor A. You pay Debtor A on a monthly basis. The first writ
27 expires on October 16. The second writ will not expire until No-
28 vember 15. You will need to prepare two wage exemption calcu-
29 lation forms for Debtor A's October wages and make payments
30 under both writs. The wage exemption calculation form for the

1 first writ will be for the wages attributable to October 1 to Oc-
2 tober 15 as described in Example 2. The wage exemption calcu-
3 lation form for the second writ will be for all wages for the
4 month of October, but the amounts withheld under the first writ
5 must be subtracted on Line 8 to determine the October wages
6 subject to garnishment under the second writ.

7 “

8 **“SECTION 17.** ORS 18.845 is amended to read:

9 **“18.845. Except as provided in section 19 of this 2024 Act,** a notice of
10 exemptions form must be in substantially the form set forth in this section.
11 Nothing in the notice form described in this section is intended to expand
12 or restrict the law relating to exempt property. A determination as to
13 whether property is exempt from execution, attachment and garnishment
14 must be made by reference to other law. The form provided in this section
15 may be modified to provide more information or to update the notice based
16 on subsequent changes in exemption laws.

17 “

18 NOTICE OF EXEMPT PROPERTY
19 AND INSTRUCTIONS FOR
20 CHALLENGE TO GARNISHMENT

21
22 Property belonging to you may have been taken or held in order to satisfy
23 a debt. The debt may be reflected in a judgment or in a warrant or order
24 issued by a state agency. Important legal papers are enclosed.

25 YOU MAY BE ABLE TO GET YOUR PROPERTY BACK, SO READ
26 THIS NOTICE CAREFULLY.

27 State and federal law specify that certain property may not be taken.
28 Some of the property that you may be able to get back is listed below.

29 *[(1) Wages or a salary as described in ORS 18.375 and 18.385. Whichever*
30 *of the following amounts is greater:]*

1 **(1) Your disposable earnings, as described in ORS 18.375 and 18.385,**
2 **in an amount that does not exceed the greater of:**

3 (a) 75 percent of your take-home wages; or

4 **[(b) \$254 per workweek.]**

5 **(b) \$__ per workweek for wages earned before (date) and \$__ per**
6 **workweek for wages earned after (date). Note: The garnishor is re-**
7 **quired to insert the applicable years and wage exemption amounts**
8 **published on the Judicial Department website pursuant to ORS 18.385**
9 **(3).**

10 (2) Social Security benefits.

11 (3) Supplemental Security Income (SSI).

12 (4) Public assistance (welfare).

13 (5) Unemployment benefits.

14 (6) Disability benefits (other than SSI benefits).

15 (7) Workers' compensation benefits.

16 (8) All Social Security benefits and Supplemental Security Income bene-
17 fits, and up to \$7,500 in exempt wages, retirement benefits, welfare, unem-
18 ployment benefits and disability benefits, that are held in a bank account.
19 You may attach copies of bank statements to the Challenge to Garnishment
20 form if you claim this exemption.

21 (9) Spousal support, child support or separate maintenance to the extent
22 reasonably necessary for your support or the support of any of your depen-
23 dents.

24 (10) A homestead (house, manufactured dwelling or floating home) occu-
25 pied by you, or occupied by your spouse, parent or child. Up to [~~\$40,000~~]
26 **\$150,000** of the value of the homestead is exempt. If you jointly own the
27 homestead with another person who is also liable on the debt, up to
28 [~~\$50,000~~] **\$300,000** of the value of the homestead is exempt.

29 (11) Proceeds from the sale of a homestead described in item 10, up to the
30 limits described in item 10, if you hold the proceeds for less than one year

1 and intend to use those proceeds to procure another homestead.

2 (12) Household goods, furniture, radios, a television set and utensils with
3 a combined value not to exceed \$3,000.

4 **(13) An automobile, truck, trailer or other vehicle with a value not to
5 exceed \$3,000.]*

6 ***(13) A vehicle, including an automobile, truck, trailer, truck and
7 trailer or other motor vehicle, with a value not to exceed \$10,000.**

8 *(14) Tools, implements, apparatus, team, harness or library that are
9 necessary to carry on your occupation, with a combined value not to exceed
10 \$5,000.

11 *(15) Books, pictures and musical instruments with a combined value not
12 to exceed \$600.

13 *(16) Wearing apparel, jewelry and other personal items with a combined
14 value not to exceed \$1,800.

15 (17) Domestic animals and poultry for family use with a combined value
16 not to exceed \$1,000 and their food for 60 days.

17 (18) Provisions and fuel for your family for 60 days.

18 (19) One rifle or shotgun and one pistol. The combined value of all
19 firearms claimed as exempt may not exceed \$1,000.

20 (20) Public or private pensions.

21 (21) Veterans' benefits and loans.

22 (22) Medical assistance benefits.

23 (23) Health insurance proceeds and disability proceeds of life insurance
24 policies.

25 (24) Cash surrender value of life insurance policies not payable to your
26 estate.

27 (25) Federal annuities.

28 (26) Other annuities to \$250 per month (excess over \$250 per month is
29 subject to the same exemption as wages).

30 ***(27) Up to \$2,500 in all of the accounts you hold in a financial in-**

1 **stitution to the extent that such amounts are exempt under ORS**
2 **18.785.**

3 [(27)] **(28)** Professionally prescribed health aids for you or any of your
4 dependents.

5 *[(28)] **(29)** Rental assistance to an elderly person allowed pursuant to
6 ORS 458.375.

7 [(29)] **(30)** Your right to receive, or property traceable to:

8 (a) An award under any crime victim reparation law.

9 (b) A payment or payments, not exceeding a total of \$10,000, on account
10 of personal bodily injury suffered by you or an individual of whom you are
11 a dependent.

12 (c) A payment in compensation of loss of future earnings of you or an
13 individual of whom you are or were a dependent, to the extent reasonably
14 necessary for your support and the support of any of your dependents.

15 [(30)] **(31)** Amounts paid to you as an earned income tax credit under
16 federal tax law.

17 [(31)] **(32)** Your right to the assets held in, or right to receive payments
18 under, a medical savings account or health savings account authorized under
19 section 220 or 223 of the Internal Revenue Code.

20 *[(32)] **(33)** Interest in personal property to the value of \$400, but this
21 cannot be used to increase the amount of any other exemption.

22 [(33)] **(34)** Equitable interests in property.

23 [(34)] **(35)** Security deposits or prepaid rent held by a residential landlord
24 under ORS 90.300.

25 [(35)] **(36)** If the amount shown as owing on the Debt Calculation form
26 exceeds the amount you actually owe to the creditor, the difference between
27 the amount owed and the amount shown on the Debt Calculation form.

28 [(36)] **(37)** Amounts paid to you as a tax credit under ORS 315.273.

29

30 Note: If two or more people in your household owe the claim or judgment,

1 each of them may claim the exemptions marked by an asterisk (*).

2 “

3 **Note: The amounts specified as limitations on exemptions in this**
4 **form may change as a result of changes in the Consumer Price Index**
5 **for All Urban Consumers, West Region (All Items), as published by the**
6 **Bureau of Labor Statistics of the United States Department of Labor**
7 **or a successor agency. You may view updated garnishment exemption**
8 **limitations on the Oregon Judicial Department website.**

9 “

10 SPECIAL RULES APPLY FOR DEBTS THAT ARE OWED FOR CHILD
11 SUPPORT AND SPOUSAL SUPPORT. Some property that may not other-
12 wise be taken for payment against the debt may be taken to pay for overdue
13 support. For instance, Social Security benefits, workers' compensation bene-
14 fits, unemployment benefits, veterans' benefits and pensions are normally
15 exempt, but only 50 percent of a lump sum payment of these benefits is ex-
16 empt if the debt is owed for a support obligation.

17

18 YOU MUST ACT PROMPTLY IF YOU WANT TO GET YOUR MONEY
19 OR PROPERTY BACK. You may seek to reclaim your exempt property by
20 doing the following:

21 (1) Fill out the Challenge to Garnishment form that you received with
22 this notice.

23 (2) Mail or deliver the Challenge to Garnishment form to the court ad-
24 ministrator at the address shown on the writ of garnishment, and mail or
25 deliver a copy of the form to the Garnishor at the address shown on the writ
26 of garnishment. If you wish to claim wages or salary as exempt, you must
27 mail or deliver the form within 120 days after you receive this notice. If you
28 wish to claim that any other money or property is exempt, or claim that the
29 property is not subject to garnishment, you must mail or deliver the form
30 within 30 days after you receive this notice. You have the burden of showing

1 that your challenge is made on time, so you should keep records showing
2 when the challenge was mailed or delivered.

3 (3) The law only requires that the Garnishor hold the garnished money
4 or property for 10 days before applying it to the Creditor's use. You may be
5 able to keep the property from being used by the Creditor by promptly fol-
6 lowing (1) and (2) above.

7

8 You should be prepared to explain your exemption in court. If you have
9 any questions about the garnishment or the debt, you should see an attorney.

10 YOU MAY USE THE CHALLENGE TO GARNISHMENT FORM ONLY
11 FOR THE FOLLOWING PURPOSES:

12 (1) To claim such exemptions from garnishment as are permitted by law.

13 (2) To assert that property is not garnishable property under ORS 18.618.

14 (3) To assert that the amount specified in the writ of garnishment as be-
15 ing subject to garnishment is greater than the total amount owed.

16

17 YOU MAY NOT USE THE CHALLENGE TO GARNISHMENT FORM
18 TO CHALLENGE THE VALIDITY OF THE DEBT.

19 IF YOU FILE A CHALLENGE TO A GARNISHMENT IN BAD FAITH,
20 YOU MAY BE SUBJECT TO PENALTIES IMPOSED BY THE COURT
21 THAT COULD INCLUDE A FINE. Penalties that you could be subject to
22 are listed in ORS 18.715.

23 When you file a Challenge to Garnishment form, the Garnishee may be
24 required to make all payments under the garnishment to the court, and the
25 Garnishor may be required to pay to the court all amounts received by the
26 Garnishor that are subject to the challenge to the garnishment. The
27 Garnishee and Garnishor are subject to penalties if they do not. For a com-
28 plete explanation of their responsibilities, see ORS 18.705 and 18.708.

29 “

30 **“SECTION 18. Section 19 of this 2024 Act is added to and made a**

1 part of ORS 18.600 to 18.850.

2 **“SECTION 19.** If a judgment debtor’s debt arises out of a child
3 support or spousal support obligation or a money award judgment that
4 includes restitution, a notice of exemptions form must be in substan-
5 tially the form set forth in this section. The notice form described in
6 this section does not expand or restrict the law relating to exempt
7 property. A determination as to whether property is exempt from ex-
8 ecution, attachment and garnishment must be made by reference to
9 other law. The form provided in this section may be modified to pro-
10 vide more information or to update the notice based on subsequent
11 changes in exemption laws.

12 “

13 **NOTICE OF EXEMPT PROPERTY**
14 **AND INSTRUCTIONS FOR**
15 **CHALLENGE TO GARNISHMENT**

16 **Property belonging to you may have been taken or held in order to**
17 **satisfy a debt that arises out of a child support or spousal support**
18 **obligation or from a money award judgment that includes restitution.**
19 **The debt may be reflected in a judgment or in a warrant or order is-**
20 **sued by a state agency. Important legal papers are enclosed.**

21 **YOU MAY BE ABLE TO GET YOUR PROPERTY BACK, SO READ**
22 **THIS NOTICE CAREFULLY.**

23 **State and federal law specify that certain property may not be**
24 **taken. Some of the property that you may be able to get back is listed**
25 **below.**

26 **(1) Your disposable earnings, as described in ORS 18.375 and 18.385,**
27 **in an amount that does not exceed the greater of:**

28 **(a) 75 percent of your take-home wages; or**

29 **(b) \$254 per workweek.**

30 **(2) Social Security benefits.**

- 1 **(3) Supplemental Security Income (SSI).**
- 2 **(4) Public assistance (welfare).**
- 3 **(5) Unemployment benefits.**
- 4 **(6) Disability benefits (other than SSI benefits).**
- 5 **(7) Workers' compensation benefits.**
- 6 **(8) All Social Security benefits and Supplemental Security Income**
7 **benefits, and up to \$7,500 in exempt wages, retirement benefits, wel-**
8 **fare, unemployment benefits and disability benefits, that are held in**
9 **a bank account. You may attach copies of bank statements to the**
10 **Challenge to Garnishment form if you claim this exemption.**
- 11 **(9) Spousal support, child support or separate maintenance to the**
12 **extent reasonably necessary for your support or the support of any of**
13 **your dependents.**
- 14 **(10) A homestead (house, manufactured dwelling or floating home)**
15 **occupied by you, or occupied by your spouse, parent or child. Up to**
16 **\$40,000 of the value of the homestead is exempt. If you jointly own the**
17 **homestead with another person who is also liable on the debt, up to**
18 **\$50,000 of the value of the homestead is exempt.**
- 19 **(11) Proceeds from the sale of a homestead described in item 10, up**
20 **to the limits described in item 10, if you hold the proceeds for less than**
21 **one year and intend to use those proceeds to procure another home-**
22 **stead.**
- 23 **(12) Household goods, furniture, radios, a television set and utensils**
24 **with a combined value not to exceed \$3,000.**
- 25 ***(13) A vehicle, including an automobile, truck, trailer, truck and**
26 **trailer or other motor vehicle, with a value not to exceed \$3,000.**
- 27 ***(14) Tools, implements, apparatus, team, harness or library that**
28 **are necessary to carry on your occupation, with a combined value not**
29 **to exceed \$5,000.**
- 30 ***(15) Books, pictures and musical instruments with a combined**

1 value not to exceed \$600.

2 *(16) Wearing apparel, jewelry and other personal items with a
3 combined value not to exceed \$1,800.

4 (17) Domestic animals and poultry for family use with a combined
5 value not to exceed \$1,000 and their food for 60 days.

6 (18) Provisions and fuel for your family for 60 days.

7 (19) One rifle or shotgun and one pistol. The combined value of all
8 firearms claimed as exempt may not exceed \$1,000.

9 (20) Public or private pensions.

10 (21) Veterans' benefits and loans.

11 (22) Medical assistance benefits.

12 (23) Health insurance proceeds and disability proceeds of life insur-
13 ance policies.

14 (24) Cash surrender value of life insurance policies not payable to
15 your estate.

16 (25) Federal annuities.

17 (26) Other annuities to \$250 per month (excess over \$250 per month
18 is subject to the same exemption as wages).

19 (27) Professionally prescribed health aids for you or any of your
20 dependents.

21 *(28) Rental assistance to an elderly person allowed pursuant to
22 ORS 458.375.

23 (29) Your right to receive, or property traceable to:

24 (a) An award under any crime victim reparation law.

25 (b) A payment or payments, not exceeding a total of \$10,000, on
26 account of personal bodily injury suffered by you or an individual of
27 whom you are a dependent.

28 (c) A payment in compensation of loss of future earnings of you or
29 an individual of whom you are or were a dependent, to the extent
30 reasonably necessary for your support and the support of any of your

1 **dependents.**

2 **(30) Amounts paid to you as an earned income tax credit under**
3 **federal tax law.**

4 **(31) Your right to the assets held in, or right to receive payments**
5 **under, a medical savings account or health savings account authorized**
6 **under section 220 or 223 of the Internal Revenue Code.**

7 ***(32) Interest in personal property to the value of \$400, but this**
8 **cannot be used to increase the amount of any other exemption.**

9 **(33) Equitable interests in property.**

10 **(34) Security deposits or prepaid rent held by a residential landlord**
11 **under ORS 90.300.**

12 **(35) If the amount shown as owing on the Debt Calculation form**
13 **exceeds the amount you actually owe to the creditor, the difference**
14 **between the amount owed and the amount shown on the Debt Calcu-**
15 **lation form.**

16 **(36) Amounts paid to you as a tax credit under ORS 315.273.**

17

18 **Note: If two or more people in your household owe the claim or**
19 **judgment, each of them may claim the exemptions marked by an as-**
20 **terisk (*).**

21 “

22 **SPECIAL RULES APPLY FOR DEBTS THAT ARE OWED FOR**
23 **CHILD SUPPORT AND SPOUSAL SUPPORT. Some property that may**
24 **not otherwise be taken for payment against the debt may be taken to**
25 **pay for overdue support. For instance, Social Security benefits,**
26 **workers' compensation benefits, unemployment benefits, veterans'**
27 **benefits and pensions are normally exempt, but only 50 percent of a**
28 **lump sum payment of these benefits is exempt if the debt is owed for**
29 **a support obligation.**

30

1 **YOU MUST ACT PROMPTLY IF YOU WANT TO GET YOUR**
2 **MONEY OR PROPERTY BACK. You may seek to reclaim your exempt**
3 **property by doing the following:**

4 **(1) Fill out the Challenge to Garnishment form that you received**
5 **with this notice.**

6 **(2) Mail or deliver the Challenge to Garnishment form to the court**
7 **administrator at the address shown on the writ of garnishment, and**
8 **mail or deliver a copy of the form to the Garnishor at the address**
9 **shown on the writ of garnishment. If you wish to claim wages or sal-**
10 **ary as exempt, you must mail or deliver the form within 120 days after**
11 **you receive this notice. If you wish to claim that any other money or**
12 **property is exempt, or claim that the property is not subject to**
13 **garnishment, you must mail or deliver the form within 30 days after**
14 **you receive this notice. You have the burden of showing that your**
15 **challenge is made on time, so you should keep records showing when**
16 **the challenge was mailed or delivered.**

17 **(3) The law only requires that the Garnishor hold the garnished**
18 **money or property for 10 days before applying it to the Creditor's use.**
19 **You may be able to keep the property from being used by the Creditor**
20 **by promptly following (1) and (2) above.**

21

22 **You should be prepared to explain your exemption in court. If you**
23 **have any questions about the garnishment or the debt, you should see**
24 **an attorney.**

25 **YOU MAY USE THE CHALLENGE TO GARNISHMENT FORM**
26 **ONLY FOR THE FOLLOWING PURPOSES:**

27 **(1) To claim such exemptions from garnishment as are permitted**
28 **by law.**

29 **(2) To assert that property is not garnishable property under ORS**
30 **18.618.**

1 **(3) To assert that the amount specified in the writ of garnishment**
2 **as being subject to garnishment is greater than the total amount**
3 **owed.**

4
5 **YOU MAY NOT USE THE CHALLENGE TO GARNISHMENT FORM**
6 **TO CHALLENGE THE VALIDITY OF THE DEBT.**

7 **IF YOU FILE A CHALLENGE TO A GARNISHMENT IN BAD**
8 **FAITH, YOU MAY BE SUBJECT TO PENALTIES IMPOSED BY THE**
9 **COURT THAT COULD INCLUDE A FINE. Penalties that you could be**
10 **subject to are listed in ORS 18.715.**

11 **When you file a Challenge to Garnishment form, the Garnishee may**
12 **be required to make all payments under the garnishment to the court,**
13 **and the Garnishor may be required to pay to the court all amounts**
14 **received by the Garnishor that are subject to the challenge to the**
15 **garnishment. The Garnishee and Garnishor are subject to penalties if**
16 **they do not. For a complete explanation of their responsibilities, see**
17 **ORS 18.705 and 18.708.**

18 “ _____

19 **“SECTION 20.** ORS 18.847 is amended to read:

20 “18.847. The notice given by a financial institution to a debtor under
21 ORS 18.785 [(1)] (3) must be in substantially the following form:

22 “ _____

23 _____

24 _____

25 _____

26 (Name, address of financial institution)

27

28 IMPORTANT INFORMATION ABOUT

29 YOUR ACCOUNT

30 Date: _____

1 Notice to: _____
2 Account Number: _____

3
4

5 Why am I receiving this notice?

6

7 On _____ [date on which garnishment order was served], _____ [name
8 of financial institution] received a garnishment order from a court to garnish
9 funds in your account. The amount of the garnishment order was for
10 \$_____ [amount of garnishment order]. We are sending you this notice to let
11 you know what we have done in response to the garnishment order.

12

13 What is garnishment?

14

15 Garnishment is a legal process that allows a creditor to remove funds
16 from your bank/credit union account to satisfy a debt that you have not paid.
17 In other words, if you owe money to a person or company, they can obtain
18 a court order directing your bank/credit union to take money out of your
19 account to pay off your debt. If this happens, you cannot use that money in
20 your account.

21

22 What has happened to my account?

23

24 **An amount specified by the Oregon Judicial Department is pro-**
25 **ected by law from garnishment under ORS 18.785. As of the date of**
26 **this notice, that amount is _____.** This means you have access
27 **to up to this amount from any and all of the accounts you have with**
28 **us. If you owe a debt that arises out of a child support, spousal support**
29 **or a money award that includes restitution, the protected amount**
30 **specified by the Oregon Judicial Department does not apply. If your**

1 **accounts with us have a total amount that exceeds the amount the**
2 **Oregon Judicial Department has specified, we must research your ac-**
3 **count to determine whether certain payments you might have received**
4 **were made to your accounts in the previous two months. The amount**
5 **of those payments might be protected from garnishment.**

6 (check if applicable) On _____ [date of account review], we
7 researched your account and identified that one or more payments identified
8 by ORS [18.784 (1)] **18.785 (2)(c)(B)** have been deposited in the last two
9 months (see below for a list of qualifying payments). In most cases, these
10 payments are protected from garnishment. As required by state and federal
11 regulations, therefore, we have established a “protected amount” of funds
12 that will remain available to you and that will not be frozen or removed from
13 your account in response to the garnishment order.

14

15 (Conditional paragraph if funds have been frozen)

16

17 (check if applicable) Your account contained additional money that
18 may not be protected from garnishment. As required by law, we have placed
19 a hold on or removed these funds in the amount of \$_____ [amount frozen]
20 and may have to turn these funds over to your creditor as directed by the
21 garnishment order.

22

23 The chart below summarizes this information about your account(s):

24

25 ACCOUNT SUMMARY AS OF _____ [DATE OF ACCOUNT REVIEW]

26

	Amount		Amount
27			
28 Account	in		Amount
29 Number	Account		Protected

30

1 _____

2 _____

3

4 Amount

5 Subject to

6 Garnish-

7 ment (now Garnish-

8 frozen/ ment Fee

9 removed) Charged

10

11 _____

12 _____

13 (If the account holder has multiple accounts, use a separate row for each

14 account)

15

16 Please note that these amount(s) may be affected by deposits or with-

17 draws after the protected amount was calculated on _____ (date of

18 garnishment account review).

19

20 Do I need to do anything to access my protected funds?

21

22 You may use the protected amount of money in your account as you

23 normally would.

24

25 There is nothing else you need to do to make sure that the protected

26 amount is safe.

27

28 Who garnished my account?

29

30 The creditor who obtained a garnishment order against you

1 is _____ (name of creditor).

2

3 What types of benefit payments are protected from garnishment?

4

5 In most cases, you have protections from garnishment if the funds in your
6 account include one or more of the following benefit payments:

7

- 8 • Social Security benefits
- 9 • Supplemental Security Income benefits
- 10 • Veterans' benefits
- 11 • Railroad retirement benefits
- 12 • Railroad Unemployment Insurance benefits
- 13 • Civil Service Retirement System benefits
- 14 • Federal Employees Retirement System benefits
- 15 • Payments from a public or private retirement plan as defined in ORS
16 18.358
- 17 • Public assistance or medical assistance, as defined in ORS 414.025,
18 from the State of Oregon or an agency of the State of Oregon
- 19 • Unemployment compensation payments from the State of Oregon or
20 an agency of the State of Oregon
- 21 • Black lung benefits payments from the United States Department of
22 Labor
- 23 • Workers' compensation payments from a workers' compensation car-
24 rier

25

26 What should I do if I think that additional funds in my account are from
27 protected benefit payments?

28

29 If you believe that funds in your account(s) should not have been frozen
30 or removed, there are several things you can do:

1 You can fill out a Challenge to Garnishment form and submit it to the
2 court.

3 You may contact the creditor that garnished your account and explain
4 that funds are from protected benefit payments and should be released to
5 you. The creditor may be contacted at _____ (address of creditor).

6 You may consult an attorney to help you prove to the creditor that
7 garnished your account that additional funds are from protected benefit
8 payments and cannot be taken. For information about how to find an attor-
9 ney, contact the Oregon State Bar’s Lawyer Referral Service at (800) 452-7636
10 or go online to www.oregonlawhelp.org.

11

12 This notice contains all the information that we have about the
13 garnishment order. However, if you have a question about your account, you
14 may contact us at _____ (telephone number of financial institution).

15 “

16 **“SECTION 21.** ORS 18.854 is amended to read:

17 “18.854. (1) Any state agency authorized to issue warrants to collect taxes
18 and debts owed to the State of Oregon, including but not limited to warrants
19 issued pursuant to ORS 179.655, 184.644, 267.385, 293.250, 314.430, 316.207,
20 320.080, 321.570, 323.390, 411.703, 651.065, 657.396, 657.642, 657.646, 705.175 and
21 825.504, or any county tax collector authorized to issue warrants to collect
22 taxes and debts owed to the county pursuant to ORS 311.625, may garnish
23 property of a debtor in the possession, control or custody of a person other
24 than the debtor by delivering to the person all of the following:

25 “(a) A notice of garnishment;

26 “(b) A warrant, or a true copy of a warrant;

27 “(c) The items specified in ORS 18.650 (1)(b) to (d); and

28 “(d) Any garnishee’s search fee payable as provided in ORS 18.790.

29 “(2) A notice of garnishment may be issued by any person designated by
30 the state agency or by the county tax collector. A warrant need not be re-

1 corded in the County Clerk Lien Record as a condition of issuing a notice
2 of garnishment under the provisions of this section. The provisions of ORS
3 18.800 do not apply to a notice of garnishment.

4 “(3) If any of the items described in subsection (1) of this section are not
5 delivered to the garnishee, a notice of garnishment shall not be effective to
6 garnish any property of the debtor, and the garnishee shall not be required
7 to respond to the garnishment and may proceed to deal with any property
8 of the debtor as though the notice of garnishment had not been issued.

9 “(4)(a) Notwithstanding ORS 18.652, but subject to paragraph (c) of this
10 subsection, a notice of garnishment and the other items required by sub-
11 section (1) of this section may be delivered in person to the garnishee by any
12 employee of the state agency or of the county tax collector who is authorized
13 by the agency or the county to deliver the notice of garnishment, may be
14 mailed to the garnishee by first class or certified mail or may be sent to the
15 garnishee by other means if the garnishee has agreed to a different delivery
16 method.

17 “(b) An employee who delivers documents under paragraph (a) of this
18 subsection need not be covered by the errors and omissions insurance re-
19 quired in ORS 18.652.

20 “(c) A state agency or a county may not seek sanctions against a non-
21 complying garnishee under ORS 18.775 unless the notice of garnishment and
22 the other items required by subsection (1) of this section are personally de-
23 livered to the garnishee under paragraph (a) of this subsection or mailed to
24 the garnishee by certified mail.

25 “(5) Notwithstanding any provision of ORS 18.600 to 18.850, a debt cal-
26 culation form need not be prepared or delivered for any notice of
27 garnishment.

28 “(6) Notwithstanding ORS 18.792, the duty of a garnishee to deliver any
29 property of the debtor that may be contained in a safe deposit box that is
30 in the garnishee’s possession, control or custody at the time of delivery of

1 the notice of garnishment to the garnishee is conditioned upon the state
2 agency or the county tax collector first paying to the garnishee, in addition
3 to the search fee provided for in ORS 18.790, all reasonable costs incurred
4 by the garnishee in gaining entry to the safe deposit box. The costs shall be
5 paid to the garnishee by the state agency or the county tax collector at least
6 five days before the date the state agency or the county tax collector takes
7 possession of the property in the safe deposit box. If the state agency or the
8 county tax collector fails to pay such costs to the garnishee within 20 days
9 after the delivery of the garnishee response, the garnishment shall not be
10 effective to garnish any property of the debtor that may be contained in the
11 safe deposit box and the garnishee may proceed to deal with the safe deposit
12 box and its contents as though the notice of garnishment had not been is-
13 sued. Nothing in this subsection limits the rights of a state agency or
14 county tax collector to reach the contents of any safe deposit box in any
15 manner otherwise provided by law.

16 “(7) Except as provided in this section and ORS 18.855 and 18.857, all
17 provisions of ORS 18.600 to 18.850 apply to notices of garnishment. The state
18 agency or county tax collector shall modify the forms provided in ORS 18.600
19 to 18.850 as necessary to allow use of those forms for notices of garnishment.
20 The form of the notice of garnishment must clearly indicate that the docu-
21 ment is a notice of garnishment and must reflect the date of all warrants
22 on which the notice of garnishment is based.

23 “(8) The Attorney General may adopt **without a rulemaking proceeding**
24 model forms for notices of garnishment and other documents issued by state
25 agencies and county tax collectors under this section and ORS 18.855 and
26 18.857. There is a presumption, as described in ORS 40.120, that any state
27 agency or county tax collector that uses a model form adopted by the At-
28 torney General under this subsection has complied with the requirements of
29 ORS 18.600 to 18.850, and with the provisions of this section and ORS 18.855
30 and 18.857, with respect to the form of notices of garnishment.

1 **“SECTION 22.** ORS 18.855 is amended to read:

2 “18.855. (1) Notwithstanding ORS 18.607, a notice of garnishment issued
3 by a state agency need not contain the name of a court whose authority is
4 invoked.

5 “(2) State agencies shall make such modifications as are necessary in the
6 wage exemption calculation form provided by ORS 18.840 if a notice of
7 garnishment is issued for a debt due for a state tax that is subject to the
8 provisions of ORS 18.385 [(6)] (8).

9 “(3) Notwithstanding ORS 18.625, but subject to ORS 18.618 (2), a notice
10 of garnishment issued by a state agency acts to garnish all wages earned by
11 the debtor by reason of services to the garnishee until the full amount of the
12 debt is paid or until the notice of garnishment is released by the state agency
13 or by court order. A notice of garnishment issued by a state agency must
14 contain language reasonably designed to notify the garnishee of the pro-
15 visions of this subsection.

16 “(4) Notwithstanding ORS 18.690, a garnishee who receives a notice of
17 garnishment issued by a state agency need not deliver a copy of the
18 garnishee response to the clerk of the court, but must deliver the original
19 of the response to the state agency.

20 “(5) Notwithstanding ORS 18.700, a challenge to a notice of garnishment
21 issued by a state agency must be delivered in person or by first class mail
22 to the state agency within the time specified by ORS 18.700 (2). Upon re-
23 ceiving a challenge, the state agency shall provide notice of the challenge
24 in the manner provided by ORS 18.702. Upon a sheriff receiving notice under
25 ORS 18.702, the sheriff shall proceed as provided by ORS 18.760, except that
26 upon determination of the challenge by an administrative law judge, the
27 sheriff shall proceed as directed by the judge. Within 14 days after receiving
28 the challenge, the state agency must either concede the challenge or give the
29 person making the challenge opportunity for hearing. If the person making
30 the challenge requests a hearing, the agency shall immediately refer the

1 challenge to the Office of Administrative Hearings established under ORS
2 183.605. The hearing shall be conducted as soon as possible. Notwithstanding
3 ORS 183.315, the hearing shall be conducted as a contested case hearing. An
4 issue that was decided in a previous hearing, or for which the debtor was
5 previously afforded an opportunity for hearing, may not be reconsidered.

6 “(6) If a state agency is issuing a notice of garnishment for collection of
7 a state tax, and the state agency has reason to believe that the debtor in-
8 tends to leave the state or do any other act that would jeopardize collection
9 of the tax, the state agency may issue a special notice of garnishment. Any
10 earnings, as defined in ORS 18.375, garnished under a special notice of
11 garnishment are not subject to a claim of exemption under ORS 18.385. A
12 special notice of garnishment issued under this subsection garnishes only
13 that property of the debtor that is in the garnishee’s possession, control or
14 custody at the time the special notice is delivered, including debts not yet
15 due, and all wages owed by the garnishee to the debtor at the time the spe-
16 cial notice is delivered. A special notice of garnishment does not act to
17 garnish wages earned by the debtor by reason of services rendered to the
18 garnishee after the delivery of the special notice of garnishment.

19 “(7) A special notice of garnishment issued under subsection (6) of this
20 section shall contain a statement indicating that it is a special notice of
21 garnishment under subsection (6) of this section and a statement reflecting
22 the provisions of subsection (6) of this section. Notwithstanding ORS 18.854
23 (1), a wage exemption calculation form shall not be delivered to the
24 garnishee with a special notice of garnishment.

25 “(8) Notwithstanding ORS 18.854 (1)(b), the Department of Revenue is not
26 required to deliver a warrant or true copy of a warrant with the notice of
27 garnishment when garnishing property of a debtor.

28 “(9) Notwithstanding ORS 18.607 (4):

29 “(a) A notice of garnishment issued by the Department of Revenue must
30 include the name of the person issuing the notice on behalf of the depart-

1 ment, but need not be signed by that person.

2 “(b) A notice of garnishment related to the overpayment of medical as-
3 sistance as defined in ORS 414.025, or public assistance as defined in ORS
4 411.010, issued by the Department of Human Services or the Oregon Health
5 Authority must include the name of the person issuing the notice on behalf
6 of the department or authority, but need not be signed by that person.

7 **“SECTION 23.** ORS 18.888 is amended to read:

8 “18.888. (1) After levying on property, a sheriff shall mail or deliver a
9 copy of the writ of execution to each judgment debtor. If the writ is issued
10 pursuant to an in rem judgment against personal property, the sheriff shall
11 mail or deliver a copy of the writ to the person from whom the property was
12 seized. If the writ is issued pursuant to an in rem judgment against real
13 property, the sheriff shall mail or deliver a copy of the writ to the occupants
14 of the property. The sheriff shall mail the copy of the writ to the addresses
15 included in the instructions to the sheriff. If the judgment creditor has not
16 provided an address for a person, the sheriff need not mail a copy of the writ
17 to the person.

18 “(2) If the sheriff has levied on intangible property, in addition to the
19 copy of the writ required under subsection (1) of this section, the sheriff
20 shall mail or deliver to the persons described in subsection (1) of this section
21 a copy of the notice of levy filed with the court pursuant to ORS 18.878
22 (1)(d).

23 “(3) Unless the writ directs the sheriff to sell or deliver specific real or
24 personal property pursuant to the terms of the judgment, in addition to the
25 copy of the writ required under subsection (1) of this section the sheriff shall
26 mail or deliver to each judgment debtor:

27 “(a) A copy of the notice of levy or a statement of the date and time of
28 the levy; and

29 “(b) A challenge to execution form as provided by ORS 18.896 **or section**
30 **27 of this 2024 Act, as appropriate.**

1 **“SECTION 24.** ORS 18.892 is amended to read:

2 “18.892. (1) Except as provided in subsection (2) of this section, a judg-
3 ment debtor may use a challenge to execution form only:

4 “(a) To claim such exemptions under a writ of execution as are permitted
5 by law; and

6 “(b) To assert that the amount specified in the writ of execution as being
7 subject to execution is greater than the amount owed by the judgment debtor
8 under the money award.

9 “(2) A judgment debtor may not use a challenge to execution form to
10 challenge execution on residential property of the debtor as defined by ORS
11 18.901 if the judgment creditor has obtained an order under ORS 18.904 au-
12 thorizing the sale or if the judgment directs the sale or delivery of specific
13 property.

14 “(3) Any person other than a judgment debtor who has an interest in any
15 property levied on by a sheriff may assert that interest by delivering a
16 challenge to execution in the manner provided by subsection (4) of this sec-
17 tion.

18 “(4) A person may make a challenge to a writ of execution by completing
19 the challenge to execution form provided in ORS 18.896 **or section 27 of this**
20 **2024 Act, as appropriate**, or a substantially similar form, and by delivering,
21 in person or by first class mail, the original of the completed form to the
22 court administrator for the court identified in the writ of execution and a
23 copy of the challenge to the judgment creditor. Upon receiving a copy of the
24 challenge, the judgment creditor shall promptly notify the sheriff of the
25 challenge.

26 “(5) A challenge to execution must be delivered in the manner provided
27 by subsection (4) of this section within 30 days after the property is levied
28 on as described in ORS 18.878 or before the property is sold on execution,
29 whichever occurs first.

30 **“SECTION 25.** ORS 18.896 is amended to read:

1 “18.896. (1) The challenge to execution form described in this section does
2 not expand or restrict the law relating to exempt property. A determination
3 as to whether property is exempt from attachment or execution must be made
4 by reference to other law. The form provided in this section may be modified
5 to provide more information or to update the notice based on subsequent
6 changes in exemption laws.

7 “(2) **Except as provided in section 27 of this 2024 Act**, a challenge to
8 execution form must be in substantially the following form:

9 “ _____

10 _____ COURT
11 COUNTY OF _____

12
13 _____) CHALLENGE TO

14 Plaintiff,) EXECUTION

15)

16 vs.) Case No. _____

17)

18 _____)

19 Defendant.)

20

21 THIS FORM MAY BE USED BY THE DEBTOR ONLY FOR THE FOL-
22 LOWING PURPOSES:

23 (1) To claim such exemptions from execution as are permitted by law.

24 (2) To assert that the amount specified in the writ of execution as being
25 subject to execution is greater than the total amount owed.

26

27 THIS FORM MAY BE USED BY PERSONS OTHER THAN THE
28 DEBTOR ONLY TO CLAIM AN INTEREST IN THE PROPERTY THAT IS
29 TO BE SOLD ON EXECUTION.

30

1 THIS FORM MAY NOT BE USED TO CHALLENGE THE VALIDITY
2 OF THE DEBT.

3

4 I/We claim that the following described property or money is exempt from
5 execution:

6 _____
7 _____

8

9 I/We believe this property is exempt from execution because (the Notice
10 of Exempt Property at the end of this form describes most types of property
11 that you can claim as exempt from execution):

12 _____
13 _____

14

15 I am a person other than the Debtor and I have the following interest in
16 the property:

17 _____
18 _____

19

20	Name _____	Name _____
21	Signature _____	Signature _____
22	Address _____	Address _____
23	_____	_____
24	Telephone _____	Telephone _____
25	Number _____	Number _____
26	(Required)	(Required)

27

28

29 YOU MUST ACT PROMPTLY IF YOU WANT TO GET YOUR MONEY OR
30 PROPERTY BACK. You may seek to reclaim your exempt property by doing

1 the following:

2 (1) Fill out the Challenge to Execution form that you received with this
3 notice.

4 (2) Mail or deliver the Challenge to Execution form to the court admin-
5 istrator at the address shown on the writ of execution.

6 (3) Mail or deliver a copy of the Challenge to Execution form to the
7 judgment creditor at the address shown on the writ of execution.

8 You should be prepared to explain your exemption in court. If you have
9 any questions about the execution or the debt, you should see an attorney.

10

11 YOU MAY USE THE CHALLENGE TO EXECUTION FORM ONLY FOR
12 THE FOLLOWING PURPOSES:

13 (1) To claim such exemptions from execution as are permitted by law.

14 (2) To assert that the amount specified in the writ of execution as being
15 subject to execution is greater than the total amount owed.

16

17 YOU MAY NOT USE THE CHALLENGE TO EXECUTION FORM TO
18 CHALLENGE THE VALIDITY OF THE DEBT.

19

20 IF YOU CLAIM AN EXEMPTION IN BAD FAITH, YOU MAY BE
21 SUBJECT TO PENALTIES IMPOSED BY THE COURT THAT COULD IN-
22 CLUDE A FINE. Penalties that you could be subject to are listed in ORS
23 18.899.

24

25 NOTICE OF EXEMPT PROPERTY

26

27 Property belonging to you may have been taken or held in order to satisfy
28 a debt. The debt may be reflected in a judgment or in a warrant or order
29 issued by a state agency. Important legal papers are enclosed.

30 YOU MAY BE ABLE TO GET YOUR PROPERTY BACK, SO READ

1 THIS NOTICE CAREFULLY.

2 State and federal law specify that certain property may not be taken.
3 Some of the property that you may be able to get back is listed below.

4 *[(1) Wages or a salary as described in ORS 18.375 and 18.385. Whichever*
5 *of the following amounts is greater:]*

6 **(1) Your disposable earnings, as described in ORS 18.375 and 18.385,**
7 **in an amount that does not exceed the greater of:**

8 (a) 75 percent of your take-home wages; or

9 *[(b) \$254 per workweek.]*

10 **(b) \$__ per workweek for wages earned before (date) and \$__ per**
11 **workweek for wages earned after (date). Note: The garnishor is re-**
12 **quired to insert the applicable years and wage exemption amounts**
13 **published on the Judicial Department website pursuant to ORS 18.385**
14 **(3).**

15 (2) Social Security benefits.

16 (3) Supplemental Security Income (SSI).

17 (4) Public assistance (welfare).

18 (5) Unemployment benefits.

19 (6) Disability benefits (other than SSI benefits).

20 (7) Workers' compensation benefits.

21 (8) All Social Security benefits and Supplemental Security Income bene-
22 fits, and up to \$7,500 in exempt wages, retirement benefits, welfare, unem-
23 ployment benefits and disability benefits, that are held in a bank account.

24 (9) Spousal support, child support or separate maintenance to the extent
25 reasonably necessary for your support or the support of any of your depen-
26 dents.

27 (10) A homestead (house, manufactured dwelling or floating home) occu-
28 pied by you, or occupied by your spouse, parent or child. Up to [*\$40,000*]
29 **\$150,000** of the value of the homestead is exempt. If you jointly own the
30 homestead with another person who is also liable on the debt, up to

1 [~~\$50,000~~] **\$300,000** of the value of the homestead is exempt.

2 (11) Proceeds from the sale of a homestead described in item 10, up to the
3 limits described in item 10, if you hold the proceeds for less than one year
4 and intend to use those proceeds to procure another homestead.

5 (12) Household goods, furniture, radios, a television set and utensils with
6 a combined value not to exceed \$3,000.

7 **(13) An automobile, truck, trailer or other vehicle with a value not to
8 exceed \$3,000.]*

9 ***(13) A vehicle, including an automobile, truck, trailer, truck and
10 trailer or other motor vehicle, with a value not to exceed \$10,000.**

11 *(14) Tools, implements, apparatus, team, harness or library that are
12 necessary to carry on your occupation, with a combined value not to exceed
13 \$5,000.

14 *(15) Books, pictures and musical instruments with a combined value not
15 to exceed \$600.

16 *(16) Wearing apparel, jewelry and other personal items with a combined
17 value not to exceed \$1,800.

18 (17) Domestic animals and poultry for family use with a combined value
19 not to exceed \$1,000 and their food for 60 days.

20 (18) Provisions and fuel for your family for 60 days.

21 (19) One rifle or shotgun and one pistol. The combined value of all
22 firearms claimed as exempt may not exceed \$1,000.

23 (20) Public or private pensions.

24 (21) Veterans' benefits and loans.

25 (22) Medical assistance benefits.

26 (23) Health insurance proceeds and disability proceeds of life insurance
27 policies.

28 (24) Cash surrender value of life insurance policies not payable to your
29 estate.

30 (25) Federal annuities.

1 (26) Other annuities to \$250 per month (excess over \$250 per month is
2 subject to the same exemption as wages).

3 ***(27) Up to \$2,500 in all of the accounts you hold in a financial in-**
4 **stitution to the extent that such amounts are exempt under ORS**
5 **18.785.**

6 [(27)] (28) Professionally prescribed health aids for you or any of your
7 dependents.

8 *[(28)] (29) Rental assistance to an elderly person allowed pursuant to
9 ORS 458.375.

10 *[(29)] (30) Your right to receive, or property traceable to:

11 *(a) An award under any crime victim reparation law.

12 *(b) A payment or payments, not exceeding a total of \$10,000, on account
13 of personal bodily injury suffered by you or an individual of whom you are
14 a dependent.

15 *(c) A payment in compensation of loss of future earnings of you or an
16 individual of whom you are or were a dependent, to the extent reasonably
17 necessary for your support and the support of any of your dependents.

18 [(30)] (31) Amounts paid to you as an earned income tax credit under
19 federal tax law.

20 [(31)] (32) Your right to the assets held in, or right to receive payments
21 under, a medical savings account or health savings account authorized under
22 section 220 or 223 of the Internal Revenue Code.

23 [(32)] (33) Interest in personal property to the value of \$400, but this
24 cannot be used to increase the amount of any other exemption.

25 [(33)] (34) Equitable interests in property.

26 Note: If two or more people in your household owe the claim or judgment,
27 each of them may claim the exemptions marked by an asterisk (*).

28 “ _____

29 **Note: The amounts specified as limitations on exemptions in this**
30 **form may change as a result of changes in the Consumer Price Index**

1 **for All Urban Consumers, West Region (All Items), as published by the**
2 **Bureau of Labor Statistics of the United States Department of Labor**
3 **or a successor agency. You may view updated garnishment exemption**
4 **limitations on the Oregon Judicial Department website.**

5 “
6 **SPECIAL RULES APPLY FOR DEBTS THAT ARE OWED FOR CHILD**
7 **SUPPORT AND SPOUSAL SUPPORT. Some property that may not other-**
8 **wise be taken for payment against the debt may be taken to pay for overdue**
9 **support. For instance, Social Security benefits, workers’ compensation bene-**
10 **fits, unemployment benefits, veterans’ benefits and pensions are normally**
11 **exempt, but only 50 percent of a lump sum payment of these benefits is ex-**
12 **empt if the debt is owed for a support obligation.**

13 “
14 **“SECTION 26. Section 27 of this 2024 Act is added to and made a**
15 **part of ORS 18.600 to 18.850.**

16 **“SECTION 27. (1) If a judgment debtor’s debt arises out of a child**
17 **support or spousal support obligation or a money award judgment that**
18 **includes restitution, a challenge to execution form must be in sub-**
19 **stantially the form set forth in this section. The challenge to execution**
20 **form described in this section does not expand or restrict the law re-**
21 **lating to exempt property. A determination as to whether property is**
22 **exempt from attachment or execution must be made by reference to**
23 **other law. The form provided in this section may be modified to pro-**
24 **vide more information or to update the notice based on subsequent**
25 **changes in exemption laws.**

26 **“(2) The challenge to execution form under this section must be in**
27 **substantially the following form:**

28 “
29 **_____ COURT**
30 **COUNTY OF _____**

1 _____) CHALLENGE TO
2 Plaintiff,) EXECUTION
3)
4 vs.) Case No. _____
5)
6 _____)
7 Defendant.)

8
9 **THIS FORM MAY BE USED BY THE DEBTOR ONLY FOR THE**
10 **FOLLOWING PURPOSES:**

- 11 (1) To claim such exemptions from execution as are permitted by
12 law.
13 (2) To assert that the amount specified in the writ of execution as
14 being subject to execution is greater than the total amount owed.

15
16 **THIS FORM MAY BE USED BY PERSONS OTHER THAN THE**
17 **DEBTOR ONLY TO CLAIM AN INTEREST IN THE PROPERTY THAT**
18 **IS TO BE SOLD ON EXECUTION.**

19
20 **THIS FORM MAY NOT BE USED TO CHALLENGE THE VALIDITY**
21 **OF THE DEBT.**

22
23 **I/We claim that the following described property or money is ex-**
24 **empt from execution:**

25 _____
26 _____

27
28 **I/We believe this property is exempt from execution because (the**
29 **Notice of Exempt Property at the end of this form describes most types**
30 **of property that you can claim as exempt from execution):**

1 _____
2 _____

3
4 **I am a person other than the Debtor and I have the following in-**
5 **terest in the property:**

6 _____
7 _____

8
9 **Name** _____ **Name** _____
10 **Signature** _____ **Signature** _____
11 **Address** _____ **Address** _____
12 _____
13 **Telephone** _____ **Telephone** _____
14 **Number** _____ **Number** _____
15 **(Required)** _____ **(Required)** _____

16
17 **YOU MUST ACT PROMPTLY IF YOU WANT TO GET YOUR MONEY**
18 **OR PROPERTY BACK. You may seek to reclaim your exempt property**
19 **by doing the following:**

20 **(1) Fill out the Challenge to Execution form that you received with**
21 **this notice.**

22 **(2) Mail or deliver the Challenge to Execution form to the court**
23 **administrator at the address shown on the writ of execution.**

24 **(3) Mail or deliver a copy of the Challenge to Execution form to the**
25 **judgment creditor at the address shown on the writ of execution.**

26 **You should be prepared to explain your exemption in court. If you**
27 **have any questions about the execution or the debt, you should see**
28 **an attorney.**

29
30 **YOU MAY USE THE CHALLENGE TO EXECUTION FORM ONLY**

1 **FOR THE FOLLOWING PURPOSES:**

2 (1) To claim such exemptions from execution as are permitted by
3 law.

4 (2) To assert that the amount specified in the writ of execution as
5 being subject to execution is greater than the total amount owed.

6

7 **YOU MAY NOT USE THE CHALLENGE TO EXECUTION FORM**
8 **TO CHALLENGE THE VALIDITY OF THE DEBT.**

9

10 **IF YOU CLAIM AN EXEMPTION IN BAD FAITH, YOU MAY BE**
11 **SUBJECT TO PENALTIES IMPOSED BY THE COURT THAT COULD**
12 **INCLUDE A FINE. Penalties that you could be subject to are listed**
13 **in ORS 18.899.**

14

15 **NOTICE OF EXEMPT PROPERTY**

16

17 **Property belonging to you may have been taken or held in order to**
18 **satisfy a debt. The debt may be reflected in a judgment or in a warrant**
19 **or order issued by a state agency. Important legal papers are enclosed.**

20 **YOU MAY BE ABLE TO GET YOUR PROPERTY BACK, SO READ**
21 **THIS NOTICE CAREFULLY.**

22 **State and federal law specify that certain property may not be**
23 **taken. Some of the property that you may be able to get back is listed**
24 **below.**

25 (1) **Your disposable earnings, as described in ORS 18.375 and 18.385,**
26 **in an amount that does not exceed the greater of:**

27 (a) **75 percent of your take-home wages; or**

28 (b) **\$254 per workweek.**

29 (2) **Social Security benefits.**

30 (3) **Supplemental Security Income (SSI).**

1 **(4) Public assistance (welfare).**

2 **(5) Unemployment benefits.**

3 **(6) Disability benefits (other than SSI benefits).**

4 **(7) Workers' compensation benefits.**

5 **(8) All Social Security benefits and Supplemental Security Income**
6 **benefits, and up to \$7,500 in exempt wages, retirement benefits, wel-**
7 **fare, unemployment benefits and disability benefits, that are held in**
8 **a bank account.**

9 **(9) Spousal support, child support or separate maintenance to the**
10 **extent reasonably necessary for your support or the support of any of**
11 **your dependents.**

12 **(10) A homestead (house, manufactured dwelling or floating home)**
13 **occupied by you, or occupied by your spouse, parent or child. Up to**
14 **\$40,000 of the value of the homestead is exempt. If you jointly own the**
15 **homestead with another person who is also liable on the debt, up to**
16 **\$50,000 of the value of the homestead is exempt.**

17 **(11) Proceeds from the sale of a homestead described in item 10, up**
18 **to the limits described in item 10, if you hold the proceeds for less than**
19 **one year and intend to use those proceeds to procure another home-**
20 **stead.**

21 **(12) Household goods, furniture, radios, a television set and utensils**
22 **with a combined value not to exceed \$3,000.**

23 ***(13) A vehicle, including an automobile, truck, trailer, truck and**
24 **trailer or other motor vehicle, with a value not to exceed \$3,000.**

25 ***(14) Tools, implements, apparatus, team, harness or library that**
26 **are necessary to carry on your occupation, with a combined value not**
27 **to exceed \$5,000.**

28 ***(15) Books, pictures and musical instruments with a combined**
29 **value not to exceed \$600.**

30 ***(16) Wearing apparel, jewelry and other personal items with a**

- 1 combined value not to exceed \$1,800.
- 2 (17) Domestic animals and poultry for family use with a combined
3 value not to exceed \$1,000 and their food for 60 days.
- 4 (18) Provisions and fuel for your family for 60 days.
- 5 (19) One rifle or shotgun and one pistol. The combined value of all
6 firearms claimed as exempt may not exceed \$1,000.
- 7 (20) Public or private pensions.
- 8 (21) Veterans' benefits and loans.
- 9 (22) Medical assistance benefits.
- 10 (23) Health insurance proceeds and disability proceeds of life insur-
11 ance policies.
- 12 (24) Cash surrender value of life insurance policies not payable to
13 your estate.
- 14 (25) Federal annuities.
- 15 (26) Other annuities to \$250 per month (excess over \$250 per month
16 is subject to the same exemption as wages).
- 17 (27) Professionally prescribed health aids for you or any of your
18 dependents.
- 19 *(28) Rental assistance to an elderly person allowed pursuant to
20 ORS 458.375.
- 21 *(29) Your right to receive, or property traceable to:
- 22 *(a) An award under any crime victim reparation law.
- 23 *(b) A payment or payments, not exceeding a total of \$10,000, on
24 account of personal bodily injury suffered by you or an individual of
25 whom you are a dependent.
- 26 *(c) A payment in compensation of loss of future earnings of you
27 or an individual of whom you are or were a dependent, to the extent
28 reasonably necessary for your support and the support of any of your
29 dependents.
- 30 (30) Amounts paid to you as an earned income tax credit under

1 federal tax law.

2 (31) Your right to the assets held in, or right to receive payments
3 under, a medical savings account or health savings account authorized
4 under section 220 or 223 of the Internal Revenue Code.

5 (32) Interest in personal property to the value of \$400, but this
6 cannot be used to increase the amount of any other exemption.

7 (33) Equitable interests in property.

8 Note: If two or more people in your household owe the claim or
9 judgment, each of them may claim the exemptions marked by an as-
10 terisk (*).

11 “
12 _____
13 SPECIAL RULES APPLY FOR DEBTS THAT ARE OWED FOR
14 CHILD SUPPORT AND SPOUSAL SUPPORT. Some property that may
15 not otherwise be taken for payment against the debt may be taken to
16 pay for overdue support. For instance, Social Security benefits,
17 workers’ compensation benefits, unemployment benefits, veterans’
18 benefits and pensions are normally exempt, but only 50 percent of a
19 lump sum payment of these benefits is exempt if the debt is owed for
20 a support obligation.

21 “
22 _____
23 **“SECTION 28.** ORCP 84 D is amended to read:

24 **“D Writ of attachment.**

25 **“D(1) Issuance; contents; to whom directed; issuance of several writs.** If
26 directed by an order authorizing provisional process under Rule 83, the clerk
27 shall issue a writ of attachment. The writ shall be directed to the sheriff
28 of any county in which property of the defendant may be, and shall require
29 the sheriff to attach and safely keep all the property of the defendant within
30 the county not exempt from execution, or so much thereof as may be suffi-
cient to satisfy the plaintiff’s demand, the amount of which shall be stated
in conformity with the complaint, together with costs and expenses. Several

1 writs may be issued at the same time to the sheriffs of different counties.

2 “D(2) Manner of executing writ. The sheriff to whom the writ is directed
3 and delivered shall note upon the writ the date of such delivery, and shall
4 execute the writ without delay, as follows:

5 “D(2)(a) Personal property not in possession of third party. Tangible
6 personal property not in the possession of a third person shall be attached
7 by taking it into the sheriff’s custody. If any property attached is perishable,
8 or livestock, where the cost of keeping is great, the sheriff shall sell the
9 same in the manner in which property is sold on execution. The proceeds
10 thereof and other property attached shall be retained by the sheriff to answer
11 any judgment that may be recovered in the action, unless sooner subjected
12 to execution upon another judgment. Plaintiff’s lien shall attach when the
13 property is taken into the sheriff’s custody.

14 “D(2)(b) Other personal property. Tangible and intangible personal prop-
15 erty in the possession, control or custody of or debts or other monetary ob-
16 ligations owing by a third person shall be attached by writs of garnishment
17 issued by the clerk of a court or by an attorney as provided in ORS 18.600
18 to 18.850.

19 “D(3) Notice to defendant. After taking property into custody under sub-
20 section (2)(a) of this section, the sheriff shall promptly mail or deliver to the
21 defendant, at the last-known address of the defendant, a copy of the writ of
22 attachment, a copy of the claim of lien filed pursuant to section C of this
23 rule, if any, a notice of exemptions form provided by ORS 18.845 **or section**
24 **19 of this 2024 Act, as appropriate**, and a challenge to garnishment form
25 provided by ORS 18.850. The sheriff may meet the requirements of this sub-
26 section by mailing the documents to the last-known address of the defendant
27 as provided by the plaintiff. The sheriff may withhold execution of the writ
28 until the plaintiff provides such address or a statement that the plaintiff has
29 no knowledge of the defendant’s address. The sheriff shall have no duty un-
30 der this subsection if the plaintiff provides a statement that the plaintiff has

1 no knowledge of the defendant's address.

2 "D(4) Return of writ; inventory. When the writ of attachment has been
3 fully executed or discharged, the sheriff shall return the same, with the
4 sheriff's proceedings indorsed thereon, to the clerk of the court where the
5 action was commenced, and the sheriff shall make a full inventory of the
6 property attached and return the same with the writ.

7 "D(5) Indemnity to sheriff. Whenever a writ of attachment is delivered to
8 the sheriff, if the sheriff has actual notice of any third party claim to the
9 personal property to be levied on or is in doubt as to ownership of the
10 property, or of encumbrances thereon, or damage to the property held that
11 may result by reason of its perishable character, such sheriff may require the
12 plaintiff to file with the sheriff a surety bond, indemnifying the sheriff and
13 the sheriff's bondsmen against any loss or damage by reason of the illegality
14 of any holding or sale on execution, or by reason of damage to any personal
15 property held under attachment. Unless a lesser amount is acceptable to the
16 sheriff, the bond shall be in double the amount of the estimated value of the
17 property to be seized.

18 "**SECTION 29.** ORS 646.639 is amended to read:

19 "646.639. (1) As used in this section and ORS 646A.670:

20 "(a) 'Charged-off debt' means a debt that a creditor treats as a loss or
21 expense and not as an asset.

22 "(b) 'Consumer' means a natural person who purchases or acquires prop-
23 erty, services or credit for personal, family or household purposes.

24 "(c) 'Consumer transaction' means a transaction between a consumer and
25 a person that sells, leases or provides property, services or credit to con-
26 sumers.

27 "(d) 'Credit' means a right that a creditor grants to a consumer to defer
28 payment of a debt, to incur a debt and defer payment of the debt, or to
29 purchase or acquire property or services and defer payment for the property
30 or services.

1 “(e) ‘Creditor’ means a person that, in the ordinary course of the person’s
2 business, engages in consumer transactions that result in a consumer owing
3 a debt to the person.

4 “(f) ‘Debt’ means an obligation or alleged obligation that arises out of a
5 consumer transaction.

6 “(g)(A) ‘Debt buyer’ means a person that regularly engages in the business
7 of purchasing charged-off debt for the purpose of collecting the charged-off
8 debt or hiring another person to collect or bring legal action to collect the
9 charged-off debt.

10 “(B) ‘Debt buyer’ does not include a person that acquires charged-off debt
11 as an incidental part of acquiring a portfolio of debt that is predominantly
12 not charged-off debt.

13 “(h) ‘Debt collector’ means a person that by direct or indirect action,
14 conduct or practice collects or attempts to collect a debt owed, or alleged
15 to be owed, to a creditor or debt buyer.

16 “(i) ‘Debtor’ means a consumer who owes or allegedly owes a debt, in-
17 cluding a consumer who owes an amount that differs from the amount that
18 a debt collector attempts to collect or that a debt buyer purchased or at-
19 tempts to collect.

20 “(j) ‘Legal action’ means a lawsuit, mediation, arbitration or any other
21 proceeding in any court, including a small claims court.

22 “(k) ‘Original creditor’ means the last entity that extended credit to a
23 consumer to purchase goods or services, to lease goods or as a loan of mon-
24 eys.

25 “(L) ‘Person’ means an individual, corporation, trust, partnership, incor-
26 porated or unincorporated association or any other legal entity.

27 “(2) A debt collector engages in an unlawful collection practice if the debt
28 collector, while collecting or attempting to collect a debt, does any of the
29 following:

30 “(a) Uses or threatens to use force or violence to cause physical harm to

1 a debtor or to the debtor's family or property.

2 "(b) Threatens arrest or criminal prosecution.

3 "(c) Threatens to seize, attach or sell a debtor's property if doing so re-
4 quires a court order and the debt collector does not disclose that seizing,
5 attaching or selling the debtor's property requires prior court proceedings.

6 "(d) Uses profane, obscene or abusive language in communicating with a
7 debtor or the debtor's family.

8 "(e) Communicates with a debtor or any member of the debtor's family
9 repeatedly or continuously or at times known to be inconvenient to the
10 debtor or any member of the debtor's family and with intent to harass or
11 annoy the debtor or any member of the debtor's family.

12 "(f) Communicates or threatens to communicate with a debtor's employer
13 concerning the nature or existence of the debt.

14 "(g) Communicates without a debtor's permission or threatens to commu-
15 nicate with the debtor at the debtor's place of employment if the place of
16 employment is other than the debtor's residence, except that the debt col-
17 lector may:

18 "(A) Write to the debtor at the debtor's place of employment if a home
19 address is not reasonably available and if the envelope does not reveal that
20 the communication is from a debt collector other than the person that pro-
21 vided the goods, services or credit from which the debt arose.

22 "(B) Telephone a debtor's place of employment without informing any
23 other person of the nature of the call or identifying the caller as a debt
24 collector but only if the debt collector in good faith has made an unsuc-
25 cessful attempt to telephone the debtor at the debtor's residence during the
26 day or during the evening between the hours of 6 p.m. and 9 p.m. The debt
27 collector may not contact the debtor at the debtor's place of employment
28 more frequently than once each business week and may not telephone the
29 debtor at the debtor's place of employment if the debtor notifies the debt
30 collector not to telephone at the debtor's place of employment or if the debt

1 collector knows or has reason to know that the debtor's employer prohibits
2 the debtor from receiving such communication. For the purposes of this
3 subparagraph, any language in any agreement, contract or instrument that
4 creates or is evidence of the debt and that purports to authorize telephone
5 calls at the debtor's place of employment does not give permission to the debt
6 collector to call the debtor at the debtor's place of employment.

7 “(h) Communicates with a debtor in writing without clearly identifying
8 the name of the debt collector, the name of the person, if any, for whom the
9 debt collector is attempting to collect the debt and the debt collector's
10 business address, on all initial communications. In subsequent communi-
11 cations involving multiple accounts, the debt collector may eliminate the
12 name of the person, if any, for whom the debt collector is attempting to
13 collect the debt and substitute the term 'various' in place of the person's
14 name.

15 “(i) Communicates with a debtor orally without disclosing to the debtor,
16 within 30 seconds after beginning the communication, the name of the indi-
17 vidual who is initiating the communication and the true purpose of the
18 communication.

19 “(j) Conceals the true purpose of the communication so as to cause any
20 expense to a debtor in the form of long distance telephone calls, telegram
21 fees, additional charges for wireless communication or other charges the
22 debtor might incur by using a medium of communication.

23 “(k) Attempts or threatens to enforce a right or remedy while knowing
24 or having reason to know that the right or remedy does not exist, or
25 threatens to take any action that the debt collector in the regular course of
26 business does not take.

27 “(L) Uses any form of communication that simulates legal or judicial
28 process or that appears to be authorized, issued or approved by a govern-
29 mental agency, governmental official or an attorney at law if the corre-
30 sponding governmental agency, governmental official or attorney at law has

1 not in fact authorized or approved the communication.

2 “(m) Represents that an existing debt may be increased by the addition
3 of attorney fees, investigation fees or any other fees or charges if the fees
4 or charges may not legally be added to the existing debt.

5 “(n) Collects or attempts to collect, **by any means, including through**
6 **legal action**, interest or other charges or fees that exceed the actual debt
7 unless the agreement, contract or instrument that creates the debt expressly
8 authorizes, or a law expressly allows, the interest or other charges or fees.
9 **A debt collector may not be held liable in any action brought under**
10 **this paragraph if the debt collector shows by a preponderance of evi-**
11 **dence that the violation was not intentional and resulted from a bona**
12 **vide error notwithstanding the maintenance of procedures reasonably**
13 **adapted to avoid any such error. The fact that the debt collector ob-**
14 **tains a judgment for less than the amount sought in the complaint,**
15 **or fails to obtain a judgment at all, does not by itself constitute evi-**
16 **dence of a violation of this paragraph.**

17 “(o) Threatens to assign or sell a debtor’s account and misrepresents or
18 implies that the debtor would lose any defense to the debt or would be sub-
19 jected to harsh, vindictive or abusive collection tactics.

20 “(p) Uses the seal or letterhead of a public official or a public agency,
21 as those terms are defined in ORS 171.725.

22 “(q) Collects or attempts to collect any debt that the debt collector knows,
23 or after exercising reasonable diligence would know, arises from medical
24 expenses that qualify for reimbursement under the Oregon Health Plan or
25 under Medicaid, except that:

26 “(A) The debt collector does not engage in an unlawful collection practice
27 if the debt collector can produce an affidavit or certificate from the original
28 creditor that shows that the original creditor complied with Oregon Health
29 Authority rules barring payments for services that Medicaid fee-for-service
30 plans or contracted health care plans cover; and

1 “(B) For purposes of this paragraph, a prepaid managed care health ser-
2 vices organization, a coordinated care organization or a public body, as de-
3 fined in ORS 174.109, or an agent or assignee of the organization or public
4 body, is not a debt collector if the organization or public body seeks to col-
5 lect a debt that arises under ORS 416.540.

6 “(r) Files a legal action to collect or files a legal action to attempt to
7 collect a debt if the debt collector knows, or after exercising reasonable
8 diligence would know, that an applicable statute of limitations bars the col-
9 lection or the collection attempt.

10 “[s) *Knowingly collects any amount, including any interest fee, charge or*
11 *expense incidental to the principal obligation, unless the amount is expressly*
12 *authorized by the agreement creating the debt or permitted by law.*]

13 “(s) **Collects or attempts to collect or threatens to collect a debt by**
14 **any means, including through legal action, if the debt collector knows,**
15 **or through the exercise of reasonable care should know, that the debt**
16 **does not exist or is not owed by the debtor. A debt collector may not**
17 **be held liable in any action brought under this paragraph if the debt**
18 **collector shows by a preponderance of evidence that the violation was**
19 **not intentional and resulted from a bona fide error notwithstanding**
20 **the maintenance of procedures reasonably adapted to avoid any such**
21 **error. The fact that the debt collector obtains a judgment for less than**
22 **the amount sought in the complaint or fails to obtain a judgment at**
23 **all does not by itself establish a violation of this paragraph.**

24 “(t) Collects or attempts to collect a debt if the debt collector is a debt
25 buyer, or is acting on a debt buyer’s behalf, and collects or attempts to col-
26 lect purchased debt before providing to a debtor, within 30 days after the
27 date of the debtor’s request, all of the documents listed in subsection (4)(b)
28 of this section.

29 “(u) Collects or attempts to collect a debt without complying with the
30 requirements of ORS 646A.677.

1 “(3) A debt collector engages in an unlawful collection practice if the debt
2 collector, by use of any direct or indirect action, conduct or practice, en-
3 forces or attempts to enforce an obligation made void and unenforceable by
4 the provisions of ORS 759.720 (3) to (5).

5 “(4) A debt buyer or debt collector acting on behalf of a debt buyer en-
6 gages in an unlawful collection practice if the debt buyer or debt collector:

7 “(a) Files legal action against a debtor or files legal action to attempt to
8 collect a debt if the debt buyer or debt collector knows or after exercising
9 reasonable diligence would know that an applicable statute of limitations
10 bars the legal action to collect or the legal action to attempt to collect the
11 debt;

12 “(b) Brings a legal action against a debtor or otherwise brings a legal
13 action to attempt to collect a debt without possessing business records that
14 satisfy the requirements of ORS 40.460 (6), or of ORS 24.115, if the record is
15 a foreign judgment, that establish the nature and the amount of the debt and
16 that include:

17 “(A) The original creditor’s name, written as the original creditor used
18 the name in dealings with the debtor;

19 “(B) The name and address of the debtor;

20 “(C) The name, address and telephone number of the person that owns the
21 debt and a statement as to whether the person is a debt buyer;

22 “(D) The last four digits of the original creditor’s account number for the
23 debt, if the original creditor’s account number for the debt had four or more
24 digits;

25 “(E) A detailed and itemized statement of:

26 “(i) The amount the debtor last paid on the debt, if the debtor made a
27 payment, and the date of the payment;

28 “(ii) The amount and date of the debtor’s last payment on the debt before
29 the debtor defaulted or before the debt became charged-off debt;

30 “(iii) The balance due on the debt on the date on which the debt became

1 charged-off debt;

2 “(iv) The amount and rate of interest, any fees and any charges that the
3 original creditor imposed, if the debt buyer or debt collector knows the
4 amount, rate, fee or charge;

5 “(v) The amount and rate of interest, any fees and any charges that the
6 debt buyer or any previous owner of the debt imposed, if the debt buyer or
7 debt collector knows the amount, rate, fee or charge;

8 “(vi) The attorney fees the debt buyer or debt collector seeks, if the debt
9 buyer or debt collector expects to recover attorney fees; and

10 “(vii) Any other fee, cost or charge the debt buyer seeks to recover;

11 “(F) Evidence that the debt buyer and only the debt buyer owns the debt;

12 “(G) The date on which the debt buyer purchased the debt; and

13 “(H) A copy of the agreement between the original creditor and the debtor
14 that is either:

15 “(i) The contract or other writing the debtor signed that created and is
16 evidence of the original debt; or

17 “(ii) A copy of the most recent monthly statement that shows a purchase
18 transaction or balance transfer or the debtor’s last payment, if the debtor
19 made a payment, if the debt is a credit card debt or other debt for which a
20 contract or other writing that is evidence of the debt does not exist;

21 “(c) Fails to provide to a debtor, after the debt buyer or debt collector
22 receives payment in cash or the debtor requests the receipt, a receipt that:

23 “(A) Shows the name of the creditor or creditors for whom the debt buyer
24 or debt collector received the payment and, if the creditor is not the original
25 creditor, the account number that the original creditor assigned; and

26 “(B) States clearly whether the debt buyer or debt collector accepts the
27 payment as payment in full or as a full and final compromise of the debt and,
28 if not, the balance remaining on the debt after the payment;

29 “(d) Collects or attempts to collect a debt before providing, in response
30 to a debtor’s request, the documents required under paragraph (b) of this

1 subsection. A debt buyer or a debt collector that acts on the debt buyer’s
2 behalf does not engage in an unlawful collection practice under this para-
3 graph if the debt buyer or debt collector collects or attempts to collect a debt
4 after providing the required documents to the debtor; or

5 “(e) Uses any direct or indirect action, conduct or practice to violate a
6 provision of this section or ORS 646A.670.

7 “(5) A debt collector is not acting on a debt buyer’s behalf, and is not
8 subject to the duties to which a debt buyer is subject under this section and
9 ORS 646A.670, if the debt collector collects or attempts to collect a debt on
10 behalf of an owner that retains a direct interest in the debt or if the debt
11 is not a debt that a debt buyer purchased.

12 **“SECTION 30.** ORS 646.641 is amended to read:

13 “646.641. (1) Any person injured as a result of willful use or employment
14 by another person of an unlawful collection practice may bring an action in
15 an appropriate court to enjoin the practice or to recover actual damages or
16 [\$200] **\$1,000**, whichever is greater. The court or the jury may award punitive
17 damages, and the court may provide such equitable relief as it deems neces-
18 sary or proper.

19 “(2) In any action brought by a person under this section, the court may
20 award reasonable attorney fees [*to the prevailing party*] **and costs at trial**
21 **and on appeal to a prevailing plaintiff. The court may award reason-**
22 **able attorney fees and costs at trial and on appeal to a prevailing de-**
23 **fendant only if the court finds that the plaintiff had no objectively**
24 **reasonable basis for bringing the action or asserting the ground for**
25 **appeal.**

26 “(3) Actions brought under this section shall be commenced within [*one*
27 *year*] **three years** from the date of the injury.

28 **“SECTION 31.** ORS 18.784 and 646.643 are repealed.

29 **“SECTION 32.** (1) **Sections 19 and 27 of this 2024 Act and the**
30 **amendments to ORS 18.345, 18.348, 18.385, 18.395, 18.402, 18.412, 18.600,**

1 18.618, 18.658, 18.785, 18.787, 18.788, 18.790, 18.835, 18.838, 18.840, 18.845,
2 18.847, 18.854, 18.855, 18.888, 18.892, 18.896 and ORCP 84 D by sections 1
3 to 17, 20 to 25 and 28 of this 2024 Act and the repeal of ORS 18.784 by
4 section 31 of this 2024 Act:

5 “(a) Become operative on January 1, 2025; and

6 “(b) Apply to writs of garnishment and writs of execution issued
7 on or after January 1, 2025, and to notices of wage garnishment that
8 are in effect on or after January 1, 2025.

9 “(2) An agency of state government, as defined in ORS 174.111, may
10 take any action before the operative date specified in subsection (1)
11 of this section to enable the agency to exercise, on and after the op-
12 erative date specified in subsection (1) of this section, all of the duties,
13 functions and powers conferred on the agency by sections 19 and 27
14 of this 2024 Act and the amendments to ORS 18.345, 18.348, 18.385,
15 18.395, 18.402, 18.412, 18.600, 18.618, 18.658, 18.785, 18.787, 18.788, 18.790,
16 18.835, 18.838, 18.840, 18.845, 18.847, 18.854, 18.855, 18.888, 18.892, 18.896
17 and ORCP 84 D by sections 1 to 17, 20 to 25 and 28 of this 2024 Act and
18 the repeal of ORS 18.784 by section 31 of this 2024 Act.

19 “SECTION 33. The amendments to ORS 646.639 and 646.641 by
20 sections 29 and 30 of this 2024 Act apply to attempts to collect a debt
21 that occur on or after the effective date of this 2024 Act.

22 “SECTION 34. This 2024 Act being necessary for the immediate
23 preservation of the public peace, health and safety, an emergency is
24 declared to exist, and this 2024 Act takes effect on its passage.”.

25